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AGENDA
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
850 S. Madera Ave
Monday, August 10 2015
6:30 p.m.

CHAIRMAN
Robert Epperson
VICE-CHAIRMAN
Kevin Nehring
COMMISSIONERS
Robert Bandy
Eric Kehler
Charlie Jones
Mario Nunez
Katie Wettlaufer

Materials related to an item on this agenda that are public documents and are submitted after distribution and posting of the agenda are available for public inspection 72 hours prior to the Planning Commission meeting at 850 South Madera Avenue, Kerman, during normal business hours. Documents received at the meeting will be available for review at the Planning Department.

Call to Order – Chairman, Robert D. Epperson

Roll Call –Olivia Pimentel, Secretary

Pledge of Allegiance

Approval of Agenda

1. Presentation(s)

None

Request to Address 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

July 27, 2015

3. Public Hearings

- A. Subject: Initiation of Zoning Ordinance Amendment No. 15-02 Related To Expedited Permitting Procedures For Small Residential Roof Top Solar Systems

Recommendation: Planning Commission open public hearing, consider any public testimony, close public hearing and adopt resolution of intent to recommend that City Council initiate Zone Ordinance Amendment No. 15-02 relating to permitting procedures for small residential roof top solar systems.

B. Subject: Request to Amend Conditional Use Permit 04-04, Punjabi Temple

Recommendation: Planning Commission by motion open public hearing, consider any testimony, close public hearing and approve amendment to conditional use permit 04-04, Punjabi Temple Church.

4. Petitions, Resolutions

None

5. Administrative Reports

6. Communications

A. Commissioners Comments

Adjournment

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 August 6, 2015.

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



MINUTES
KERMAN PLANNING COMMISSION

REGULAR MEETING
Kerman City Hall 850 S. Madera Ave
Monday, July 27, 2015 6:30 p.m.

Regular meeting called to order by Chairman, Robert D. Epperson at 6:35pm

Roll Call – Secretary, Olivia Pimentel

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

Commissioner Absent: Kehler (uex), Jones (ex)

Pledge of Allegiance

Approval of Agenda

1. Presentation(s)

A. Introduction New Interim City Manager, John Kunkel Performed

Request to Address Commission None offered

2. Approval of Minutes

C/Nehring made a motion to approve minutes of March 23, 2015 as presented, second C/Bandy, motion carried 5/0/2 absent (Kehler, Jones).

Public Hearing None

3. Petitions, Resolutions None offered

4. Administrative Reports

A. Subject: Letter Requesting a Conditional Use Permit Pertaining to 4H Project Showmanship Animals

Recommendation: Commission review request and give direction to staff.

Mia Guidry and her family were in the audience and addressed the Commission, Mia gave requested that the Commission consider amending the zoning ordinance to allow a conditional use permit for her to keep her small 4H animals (3 dwarf goats, 4 hens, and 4 bunnies). The Guidry's provided information on other cities ordinances and special exemptions for youth projects for review.

Currently the City of Kerman's Zone Ordinance does not allow these types of animals in a residential zone district by right or by conditional use permit. The commission directed staff to review this request and to refer to city attorney for possible recommendations at a later date.

B. Subject: Resolution Initiation of Zoning Ordinance Amendment No. 15-02 Related To Expedited Permitting Procedures for Small Residential Roof Top Solar Systems

Recommendation: Planning Commission by motion set public hearing for August 10, 2015 to consider Zone Ordinance Amendment No. 15-02 relating to permitting procedures for small residential roof top solar.

Staff reviewed staff report and introduced. Commission scheduled a public hearing for Monday August 10, 2015 at 6:30pm to consider a resolution of intent to recommend that the City Council adopt a resolution initiating Zone Ordinance Amendment 15-02, relating to permitting procedures for small residential roof top solar.

6. Communications

A. Commissioners Comments none offered

Adjournment Meeting adjourned at 7:41pm

Olivia G. Pimentel
Secretary to the Planning Commission



City of Kerman

A Place Where "Community Comes First"

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Robert Epperson

VICE-CHAIRMAN
Kevin Nehring

COMMISSIONERS
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Mario Nunez Katie Wettlaufer

DEPARTMENT: PLANNING & DEVELOPMENT
STAFF REPORT
PLANNING COMMISSION MEETING
MEETING DATE: AUGUST 10, 2015

To: Chairman and Commissioners
From: Olivia Pimentel, Planning Technician
Subject: Initiation of Zoning Ordinance Amendment No. 15-02 Related To Expedited Permitting Procedures For Small Residential Roof Top Solar Systems

RECOMMENDATION

Planning Commission open public hearing, consider any public testimony, close public hearing and adopt resolution of intent to recommend that City Council initiate Zone Ordinance Amendment No. 15-02 relating to permitting procedures for small residential roof top solar systems.

EXECUTIVE SUMMARY

On July 27, 2015 staff introduced a proposed amendment to the Kerman Zone Ordinance relating to permitting procedures for small residential roof top solar in order to comply with state law. The Commission set a public hearing for August 10, 2015.

Section 65850.5(a) of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems. In furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that, on or before September 30, 2015, every city, county, or city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

The City currently expedites the review of such applications which meets the required intent of AB 2188 by reviewing and issuing applications (Our current plans are processed for residential solar projects in a very short time, normally ten (10) days for processing and permitting, etc.)

The Solar Guidebook states "for eligible projects, plan review and permit issuance are completed "over the counter" for walk-in applications or electronic submittals, or automatically through online software. If over-the-counter approvals is not offered, a maximum timeframe of 1-3 days in which to review the permit application is provided." The key language to consider here is "review and application". It does not say approve the plans. Also, note that these are guidelines and not law. The City should be cautious not to state a time frame because it is not a requirement.

The City, however, needs to adopt the ordinance mandated by Section 65850.5(g)(1). The attached ordinance is intended to satisfy that requirement. The ordinance codifies the requirements of Section 65850.5(g)(1), such

as accepting and approving applications electronically, directing the City's Building Official to develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorizing the Building Official to administratively approve such applications.

OUTSTANDING ISSUES

None

FISCAL IMPACT

There is no anticipated fiscal impact, as the costs would be recovered through existing building permit fees.

DISCUSSION

In order to meet the September 30, 2015 deadline and all requirements for public hearing notices, the Planning Commission scheduled a special meeting for a public hearing on August 10, 2015.

Staff recommends Planning Commission hold public hearing and adopt a resolution of intent to recommend City Council Initiate Zone Ordinance Amending Title 17 of the Kerman Municipal Ordinance Relating To Expedited Permitting Procedures For Small Residential Roof Top Solar Systems.

The proposed ordinance would be presented to City Council for first reading and introduction on August 19, 2015, setting public hearing for September 16, 2015.

This would meet the September 30, 2015 deadline.

PUBLIC HEARING

Planning Commission to hold public hearing

Attachments:

- A. Resolution of Intent to Recommend Adoption of Ordinance Amending Title 17 of the Kerman Municipal Ordinance Relating To Expedited Permitting Procedures For Small Residential Roof Top Solar Systems
- B. Draft Ordinance Amending Title 17 of the Kerman Municipal Ordinance Relating To Expedited Permitting Procedures For Small Residential Roof Top Solar Systems Relating to Expedited Permitting
- C. Streamline Permitting Checklist

Attachment 'A'

RESOLUTION NO. 15-__

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION OF INTENTION TO INITIATE ZONING ORDINANCE AMENDMENT NO. 15-02
TO TITLE 17 OF THE KERMAN MUNICIPAL ORDINANCE TO ADOPT THE CITY'S
REGULATIONS RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL
RESIDENTIAL ROOF TOP SOLAR SYSTEMS.

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the "Planning Commission") duly called and held on August 10, 2015, 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 initiated a zoning ordinance amendment to Title 17 of the Kerman Municipal Code Relating to Expedited Permitting Procedures for Small Residential Roof Top Solar Systems hereafter "Solar Ordinance"; and

WHEREAS, the Solar Ordinance, is attached hereto as Attachment A and incorporated by this reference; and

WHEREAS, the Planning Commission pursuant to chapter 17.26, Zoning Ordinance Amendments, section 17.26.030 has scheduled a public hearing for August 10, 2015, to consider the zoning ordinance amendments and additions; and

WHEREAS, the Planning Department has determined that the proposed amendments and additions are statutorily exempt from environmental review pursuant to Section 15282 (l) of the California Environmental Quality Act (CEQA).

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

1. The proposed zoning ordinance amendments are consistent and compatible with other goals, policies and implementation programs set forth in the General Plan.
2. That the proposed zoning ordinance amendments will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.
3. The proposed zoning amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

The foregoing resolution was adopted at a special meeting of the Kerman Planning Commission held on this 10th day of August 2015, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

Chairman, Robert D. Epperson

Date

Secretary, Olivia Pimentel

Date

Attachment 'B'

ORDINANCE NO. 15-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN
ADDING 17.94 TO TITLE 17 OF THE KERMAN MUNICIPAL CODE TO
COMPLY WITH AB 2188 REGARDING EXPEDITED PERMIT PROCESS
FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

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

SECTION 1. Chapter 17.94 is added to Title 17 of the Kerman Municipal Code to read as follows:

***EXPEDITED PERMIT PROCESS FOR SMALL
RESIDENTIAL ROOFTOP SOLAR SYSTEMS***

Sections:

- 17.94.010 Purpose and intent.
- 17.94.020 Definitions.
- 17.94.030 Applicability.
- 17.94.040 Solar energy system requirements.
- 17.94.050 Applications and documents.
- 17.94.060 Permit review and inspection requirements.

17.94.010 Purpose and intent.

The purpose of this chapter is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014, California Government Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city and expanding the ability of property owners to install solar energy systems. This chapter allows the city to achieve these goals while protecting the public health and safety.

17.94.020 Definitions.

As used in this chapter:

- A. "Solar energy system" means either of the following:
 - 1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 - 2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

-
- B. “Small residential rooftop solar energy system” means all of the following:
1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal.
 2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, and all state and city health and safety standards.
 3. A solar energy system that is installed on a single- or two-family dwelling.
 4. A solar panel or module array that does not exceed the maximum legal building height as defined by the city.
- C. “Electronic submittal” means the utilization of electronic email or submittal via the Internet.
- D. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- E. “Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.
- F. Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:
1. For water heater systems or solar swimming pool heating systems: an amount exceeding ten percent of the cost of the system, but in no case more than one thousand dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten percent, as originally specified and proposed.
 2. For photovoltaic systems: an amount not to exceed one thousand dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent as originally specified and proposed.

17.94.030 Applicability.

- A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.
- B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.
- C. A use permit and/or architectural review may be required for properties on the city’s list of historic resources as deemed necessary by the community development director.

17.94.040 Solar energy system requirements.

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the city.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

17.94.050 Applications and documents.

A. All documents required for the submission of an expedited solar energy system application shall be made available on the city website.

B. Electronic submittal of the required permit application and documents by email or the Internet shall be made available to all small residential rooftop solar energy system permit applicants.

C. The Planning and Development Services Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

D. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

17.94.060 Permit review and inspection requirements.

A. The Planning Director or his or her designee shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Planning and Development Services Department shall issue a building permit, the issuance of which is nondiscretionary, on the same day for over-the-counter applications or within one to three business days for electronic applications upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. The chief building official may require an applicant to apply for an administrative use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the city Planning Commission.

B. Review of the application shall be limited to the chief building official's review of whether the application meets local, state, and federal health and safety requirements.

C. If an administrative use permit is required, the city may deny such application if it makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the city planning commission.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. “A feasible method to satisfactorily mitigate or avoid the specific, adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

G. Only one inspection shall be required and performed by the building and safety division for small residential rooftop solar energy systems eligible for expedited review.

H. The inspection shall be done in a timely manner and should include consolidated inspections.

I. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.

SECTION 2. Severance. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. Effective Date. This ordinance shall become effective on the thirtieth (30th) day following adoption by the City Council. Publication of this ordinance or a summary of the same within fifteen days (15) of passage pursuant to the laws of the State of California in the Kerman News, a newspaper of general circulation published and circulated in the City of Kerman is hereby ordered and directed.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman held on the date(the/st) day of Month, Year, and was passed after a duly noticed public hearing at a regular meeting of the City Council on the date(the/st) day of Month Year, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

The foregoing ordinance is hereby approved.

ATTEST

Stephen B. Hill, Mayor

Marci Reyes, City Clerk

Attachment 'C'



STREAMLINED SOLAR CHECKLIST

CITY OF KERMAN

PLANNING & DEVELOPMENT DEPARTMENT, BUILDING DIVISION
850 S. MADERA AVENUE, KERMAN, CA 93630

BUSINESS PHONE: (559) 846-6121

INSPECTION REQUEST- 24 HOUR RECORDER: (559)846-6121

This checklist must be completed by the contractor or an authorized agent of the contractor in order to determine if the roof top solar project is eligible for streamlined solar permitting.

GENERAL REQUIREMENTS:

- System size is 10 kW AC CEC rating or less. YES NO
- The solar array is roof-mounted on one- or two-family dwelling. YES NO
- The solar system is utility interactive and without battery storage. YES NO
- Installation of the system will not require any excavation more than 10 feet from the structure the solar panel/module arrays are mounted on. YES NO
- A minimum clear space of three feet is provided on the control side of roof mounted HVAC equipment. YES NO

ELECTRICAL REQUIREMENTS:

- No more than four photovoltaic module strings are connected to each Maximum Power Point Tracking (MPPT) input where source circuit fusing is included in the inverter. YES NO
- No more than two strings per MPPT input where source circuit fusing is not included. YES NO
- Fuses (if needed) are rated to the series fuse rating of the PV module. YES NO
- No more than one inverter-integrated DC combiner is utilized per inverter. YES NO
- or central inverter systems: No more than two inverters are utilized. YES NO
- The PV system is connected to the load side of the utility distribution equipment. YES NO
- A Solar PV Standard Plan and supporting documentation is completed and attached illustrating disconnects, AC/DC, wiring sizing, panel size. YES NO

ROOF REQUIREMENTS:

- The roof has a single roof covering without a reroof overlay. YES NO
- Has the roof structure been verified to be structurally sound, without signs of alterations or significant structural deterioration or deflection? YES NO

FIRE SAFETY REQUIREMENTS:

- Access pathways at least three feet in width are provided on hip roofs from the eave to the ridge. Panels shall be located at least 18 inches from a hip or valley if located on both sides of a hip or valley. YES NO
- Access pathways at least three feet in width are provided between multiple arrays. YES NO
- To allow for smoke ventilation there is a minimum of three feet between the ridge and the panels. YES NO
- There are no conductors within the three foot area between the panels and the ridge which are closer than 12 inches of the roof sheathing. YES NO
- The panel fire classification is provided and meets the rating required for the structure. YES NO
- The plans include a sheet showing the location and verbiage of the required labels YES NO

SOLAR ARRAY REQUIREMENTS:

- Is the distance between the underside of modules and the roof surface at least two inches but not greater than 10 inches? YES NO
- Is the plane of the modules (panels) parallel to the plane of the roof? YES NO
- The layout of the modules is designed to not overhang any ridges, hips, gable ends and eaves. YES NO
- Has the weight of the modules plus support components been verified to weigh no more than: 4 psf for photovoltaic arrays or 5 psf for solar thermal arrays? YES NO
- Are the support component manufacturer's project-specific worksheets and tables completed with relevant information identified? YES NO
- Is a roof plan of the module and anchor layout included in the plans? YES NO

PERMIT ISSUANCE REQUIREMENTS:

If any items are checked NO, the project is not eligible for streamlined solar permitting and must go through the standard application process.

AGREEMENT:

As the responsible contractor or authorized agent for the project I understand that I am responsible for the accuracy of all information provided in this application. I also understand that revisions to this project will result in a revised application and plan review submitted to the building department which will not be eligible for expedited solar permit issuance.

Contractor/Authorized Agent Name: _____

Contractor/Authorized Agent Signature: _____ Date: _____

NOTES and OTHER INFORMATION:

1. Size of existing service main:
 200 amp 125 amp 100 amp other please specify _____
2. Will the service main be upgraded and / or replaced? Yes No
3. Size of new service main:
 200 amp 125 amp 100 amp other please specify _____



City of Kerman

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COMMISSIONERS
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Mario Nunez Katie Wettlaufer

DEPARTMENT: PLANNING & DEVELOPMENT
STAFF REPORT
PLANNING COMMISSION MEETING
MEETING DATE: AUGUST 10, 2015

To: Planning Commission
From: Olivia Pimentel, Planning & Development Technician
Subject: Amend Conditional Use Permit 04-04 for Punjabi Temple to extend existing covered patio by adding an additional 2,400 s.f. at the south end of existing structure site located at 680 S. Vineland Ave.

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing and adopt Resolution No. 15-xx amending Conditional Use Permit No. 04-04 to allow the extension of existing covered patio by adding an additional 2,400 s.f. along the southern portion of the Punjabi Temple located on the northeast corner of Vineland Avenue and E street, subject to certain findings and conditions of approval.

APPLICANT

Owner/Applicants
Gurdwara Anandgarh Sahib
680 S. Vineland Ave
Kerman, CA 93630

PROPOSAL

Staff is in receipt of an application for an amendment to an existing conditional use permit (04-04) from Gurdwara Anandgarh known as Punjabi Cultural Society to construct an additional 2,400 s.f. patio along the southern portion of the property. The subject site is located on the northeast corner of Vineland Avenue and E Street (Figure 1). The proposed 2,400 s.f patio would extend approximately 81 linear feet along "E" Street. The applicant would like to construct additional patio covering to accommodate more parishioners (see photographs in Attachment 'A'). No other changes to the CUP are being proposed.

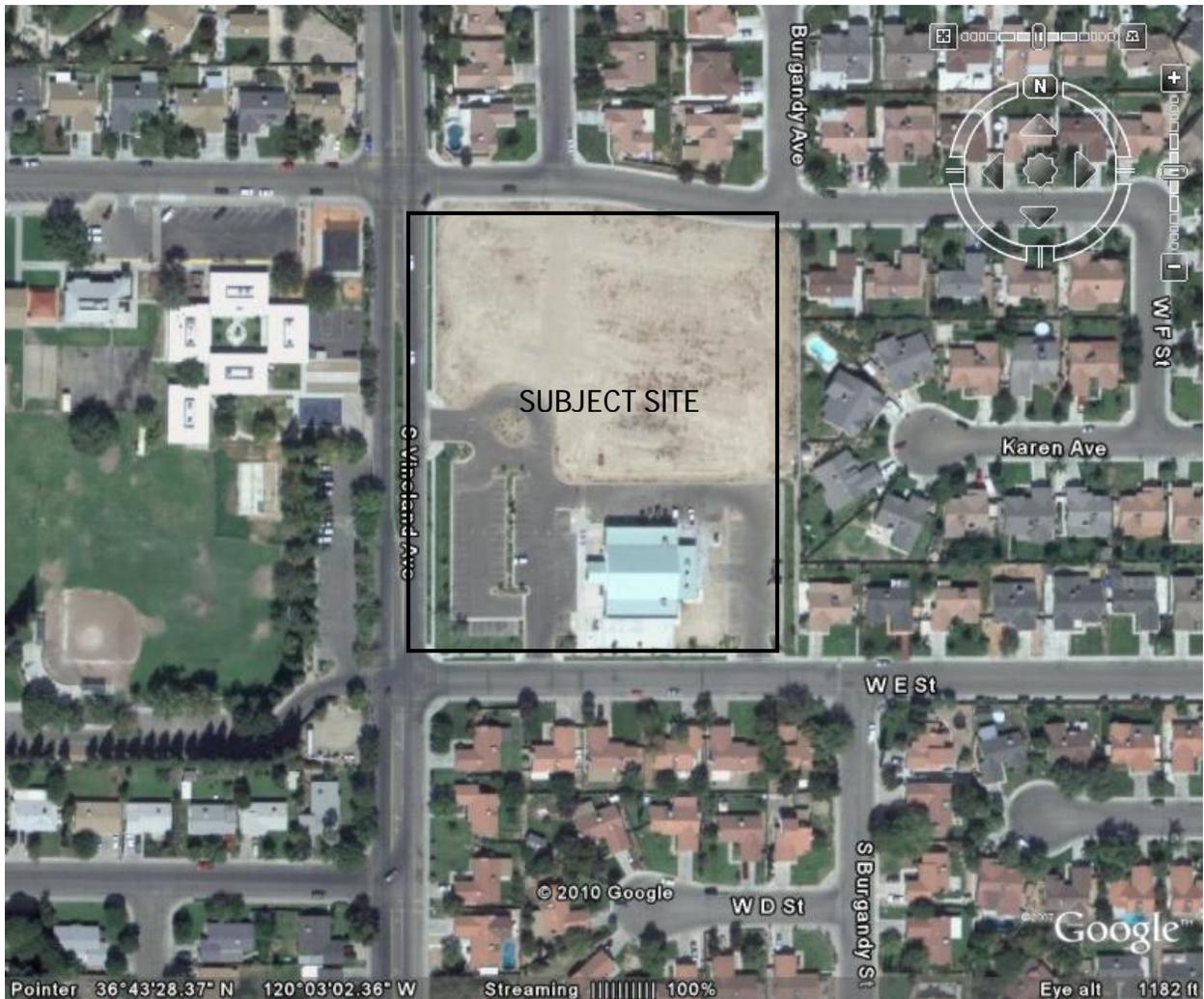
BACKGROUND

The subject site is home to the Punjabi Cultural Society Temple. The development of the site was originally approved on March 22, 2004 and included three phases. The first phase included construction of the 8,400 Temple with parking lot. Phase II consists of a 1,200 square foot Kitchen; and Phase III will include an 11,000 square foot building which will serve as the new Temple, a playground and a 66-stall parking lot. The existing Temple will be converted to a social hall once Phase III is complete.

PROJECT LOCATION

The project site is located on the northeast corner of Vineland Avenue and 'E' Streets, as shown in Figure 1 below.

Figure 1
Site Location



GENERAL INFORMATION

Size of Lot:	Net Lot Area 4.71 acres
Site Location:	Northeast corner of Vineland Avenue and 'E' Street
Address:	680 S. Vineland Avenue
APN(s):	023-580-12s
Plan Land Use Designation:	Medium Density Residential
Zoning District:	PD-R-1 (Planned Development Single Family Residential)

g Uses & Zoning:

Location	General Plan Designation	Existing Uses	Zone District
North	Residential	Residential	PD-R-1
South	Residential	Residential	R-1
East	Residential	Residential	R-1
West	Residential	Elementary School/Park	O

DISCUSSION

The subject site is partially developed and includes an existing building, parking lot and perimeter landscaping. The applicant wishes to construct additional covered patio to accommodate more parishioners who frequently have festivities on the concrete slab area along the southern side of the building. In 2010 the Punjabi Temple was granted an Amendment to their Conditional Use Permit (Resolution 10-07, April 26, 2010) to construct a six (6) foot block wall that would also act as a noise barrier for the existing residents to the south. The proposed block wall was determined to be compatible with the existing uses and would not negatively impact the existing neighborhood.

The proposed 2,400 safe covered patio would be constructed as an extension of the existing covered patio (Attachment 'D'). The covered patio will have to be designed per the City's adopted improvement standards and to be consistent with the existing patio cover. It should be noted that staff has received some complaints regarding the poor condition and dust and trash being spread to neighbors with pools, etc. from the vacant north side of the lot (for the future Temple). The original conditions of approval Attachment 'F' (item # 6) discussed landscaping for the entire site. The commission might want to review this condition.

PUBLIC HEARING

A public hearing notice was mailed to property owners within 300 feet of the site on Friday July 31, 2015. As of the date of this staff report, staff did not receive any written comments or telephone calls in connection with the proposed use.

ENVIRONMENTAL REVIEW

The project is exempt under §15301(a) of the CEQA Guidelines (Existing Facilities); therefore, no additional environmental review documentation is necessary.

SUMMARY AND RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolution No. 15-xx (Attachment 'G') amending CUP No. 04-04, Punjabi Cultural Society Temple, allowing the construction of an additional 2,400 s.f. covered patio along the southern portion of the property, provided that all other conditions of approval have been met.

ATTACHMENTS:

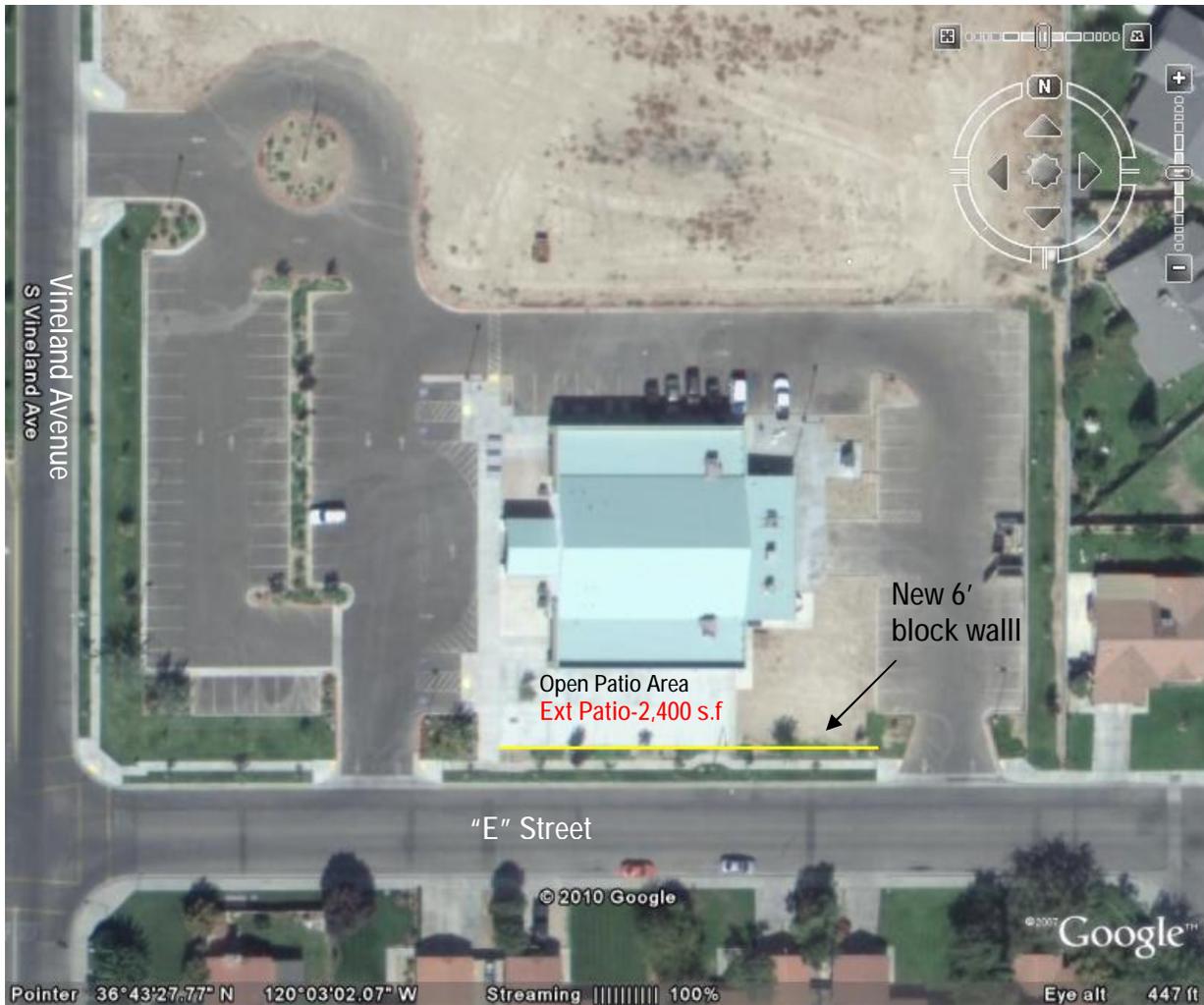
- A. Photographs of site
- B. Photograph location of proposed 2,400sf covered patio
- C. Site Plan of proposed 2, 400 s.f. covered patio
- D. Floor Plan of proposed 2,400 s.f. covered patio
- E. Elevations of proposed 2,400 s.f. covered patio
- F. Original Resolution No. 04-05, Approving Conditional Use Permit No. 04-04, March 22, 2004
- G. Resolution No. 15-xx, Approving Amendment to Conditional Use Permit 04.04, to construct a 2,400sf covered patio provided conditions of approval are met.

ATTACHMENT 'A'
Photographs of Site

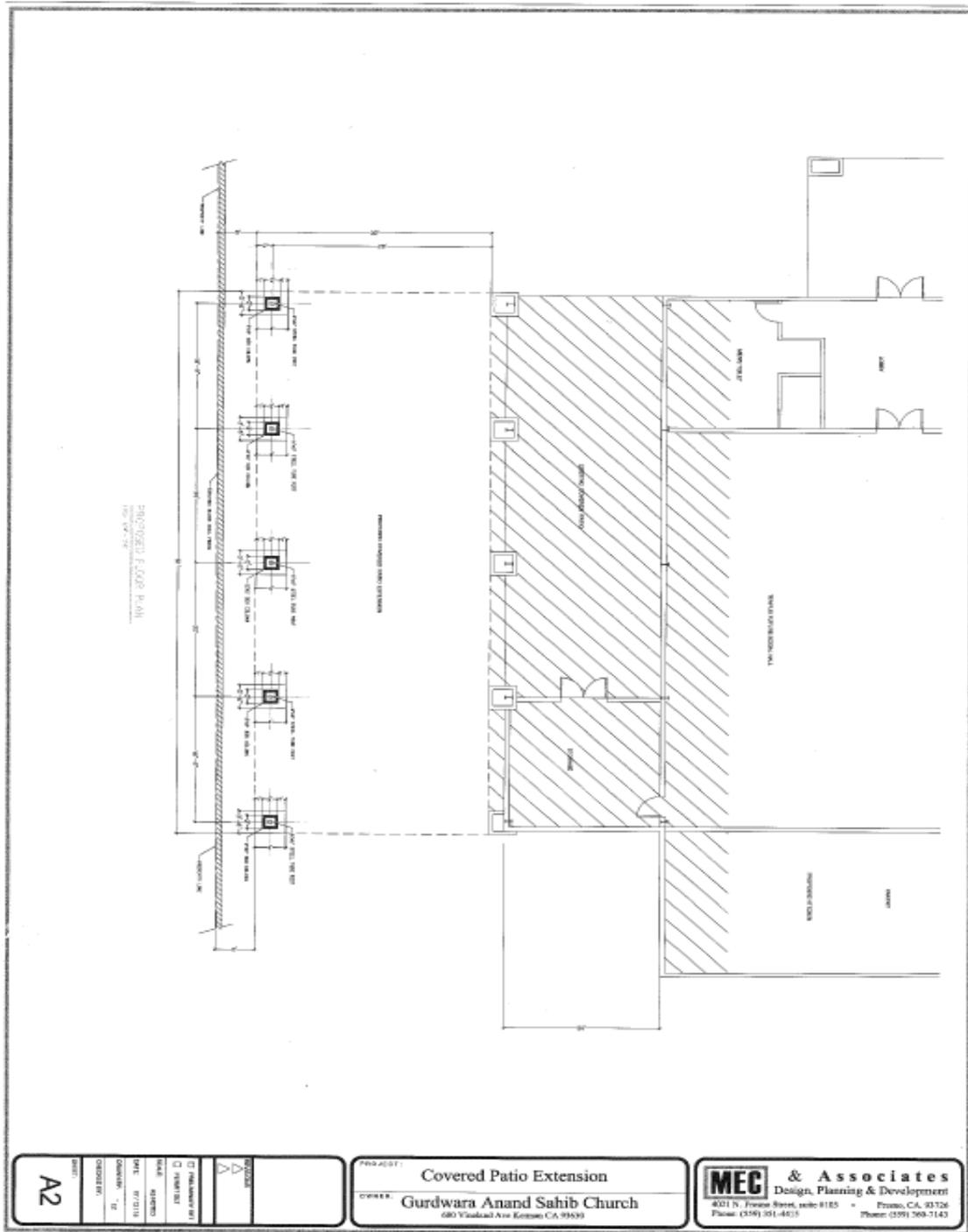


ATTACHMENT 'B'

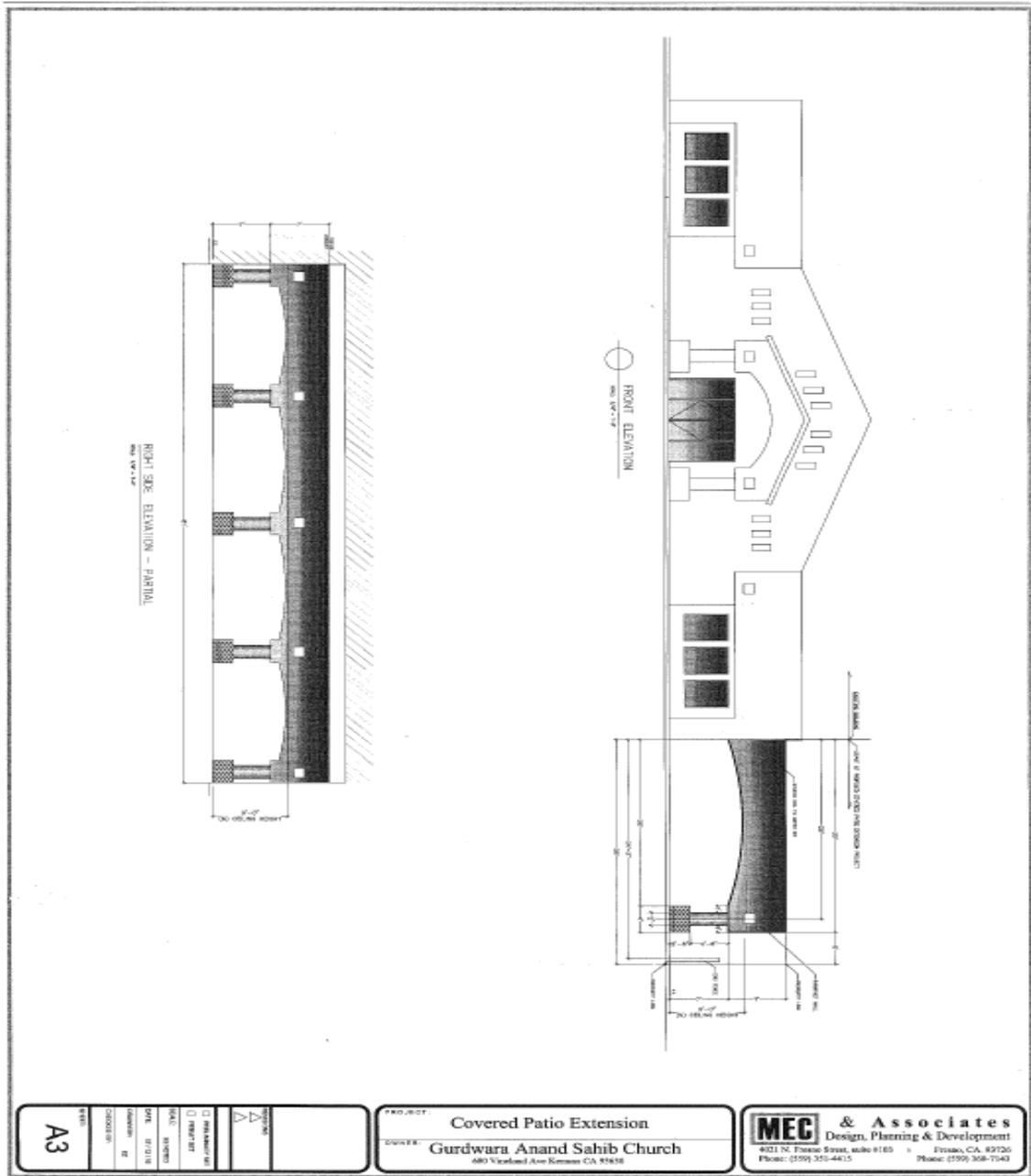
Location of Proposed Covered Patio 2,400 s.f.



ATTACHMENT 'D'
 Proposed Floor Plan



ATTACHMENT 'E'
 Proposed Elevations



ATTACHMENT 'F'

Original Conditional Use Permit 04-04

RESOLUTION 04-05

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN
APPROVING CONDITIONAL USE PERMIT 04-04, PUNJABI CULTURAL SOCIETY
OF KERMAN**

WHEREAS, the applicant, Punjabi Cultural Society of Kerman, is requesting a conditional use permit to construct a temple - cultural center "GURDWARA ANAND GARH SAHIB", located on the northeast corner of Vineland Avenue and E Street, and

WHEREAS, the applicant wishes to construct the center in three phases. Phase I 8,400 square foot a Temple seating approximately 400 persons, a 61-stall parking lot, and 40-stall parking lot Phase IA: Phase II a 1,200 square foot Kitchen; and Phase III will include a 11,000 square foot temple, a play ground and a 66-stall parking lot, (with Phase III the existing Temple will be converted to a social hall), and

WHEREAS, the project has 507 feet of frontage on Vineland Avenue and it has a depth of 414 feet, and

WHEREAS, a public hearing notice was published ten (10) days prior to the Planning Commission's meeting of February 23, 2004, and was continued to the March 22, 2004 meeting.

WHEREAS, the City prepared a staff report on this project and

WHEREAS, a public hearing notice was published in the Kerman News ten days prior to the Planning Commission's public hearing on Conditional Use Permit 04-04; and

WHEREAS, the Planning Commission accepted public testimony, both verbal and written, both in favor of and against Conditional Use Permit 04-04, and reviewed the Planning Department's staff report.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that the following findings have been considered and hereby approves CUP 04-04, subject to the following conditions;

RESOLUTION 04-05

1. The Kerman Zoning Ordinance requires 144 parking spaces for Phase I, and the applicant contends only 64 stalls are needed because for the following reasons:

- Large number parishioners live in the neighborhood and will walk to the center.
- A large number of the parishioners have large families and will come in one vehicle.
- Until the main Temple is built (Phase III) for special events (1 or 2 a year) they will use the large lawn for parking. For these events they will provide traffic control & parking attendants.

For these reasons the applicant will request a deferment Agreement of the City Council as generally outlined in (Exhibit A) Parking Requirements. Or shall install at least the required 144 stalls with phase I.

2. That Conditional Use Permit 04-04 will not have an adverse impact on the neighborhoods or community's public health, safety or welfare.

3. That Conditional Use Permit 04-04 is consistent with Kerman's Land Use Element.

4. That Conditional Use Permit 04-04 is consistent with Kerman's Zoning Ordinance.

BE IT FURTHER RESOLVED by the Planning Commission hereby recommends to the City Council that Conditional Use Permit 04-04 be approved consist with the following conditions.

1. The applicant shall construct the proposed project consistent with the approved site plan, as amended with the following changes.

2. The applicant shall comply with the City Engineer's recommendations, dated February 4, 2004 as attached (Exhibit B).

3. The applicant shall secure a building permit from the Kerman Building Department and shall pay city fees prior to beginning construction on the project.

4. The applicant shall comply with the North Central Fire Protection District's recommendations dated February 02, 2004 as attached (Exhibit C).

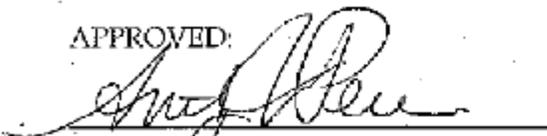
RESOLUTION 04-05

5. The Applicant shall remove the existing shade structure and portable restrooms from the site before permits will be issued as outlined in (Exhibit D).
6. The applicant shall submit a landscaping and irrigation, hardscape, and lighting plan to the city planner or building official for review and approval. These improvements shall be installed consistent Kerman's Landscaping Ordinance and City Standards with said plan. 7. The subject site shall be well maintained by insuring that the landscaping is effectively watered, mowed, pruned, fertilized, and weeded; that the signs are properly lighted and painted; that the irrigation system is periodically checked to insure against leaks, over-spray and watering times that are conservation effective; and that the parking lot and driveways shall be properly paved and stripped.
8. The applicant shall install sidewalks, driveway approaches, parking lot, street-trees, trash enclosure, water meters, and RP devises consistent with Kerman's Improvement Manual.
9. With Phase I of subject property the applicant's shall be plant lawn, trees and street trees and complete the sidewalks for the entire site including the undeveloped portions of the site. Said landscaping shall be maintained (as stated in notes 5 & 6)

The foregoing resolution was adopted upon a motion of Commissioner Lanfranco, seconded by Commissioner Armstrong Passed and adopted at a regular meeting of the Kerman Planning Commission held on March 22, 2004, by the following vote.

AYES: Lanfranco, Armstrong, Jones, Mayer, Autenrieb, Stockwell, Pereira
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:


Chairman, Anthony Pereira

ATTEST:


Secretary, Rhonda Armstrong

EXHIBIT A

PUNJABI TEMPLE

CONDITIONAL USE PERMIT NO. 04-04

PARKING REQUIREMENTS - PHASE I
Proposed Deferment Agreement Conditions

- Once the Phase one Temple has opened with the initial 64 stall parking lot, at anytime as determined by the Director of Public Works & Development Services there are insufficient parking stalls the applicant shall install Phase IA forty (40) additional parking stalls, and
- If at anytime as determined by the Director of Public Works & Development Services there are insufficient parking stalls including Phase I & Phase IA parking stalls the applicant shall install an additional thirty-eight (38) parking stalls. As required by the Zoning Ordinance.
- Said Deferment Agreement shall be consistent with security requirements as determined by the City Attorney.

EXHIBIT B

YAMABE & HORN ENGINEERING, INC.

1300 E. Shaw Avenue, Suite 178
Fresno, CA 93710
(559) 244-3123, FAX (559) 244-3120

February 4, 2004

ENGINEERING CONDITIONS OF APPROVAL

CUP 04-04 – Punjabi Temple

1. Prepare a Grading & Drainage Plan for review and approval of the City Engineer. Drainage to be directed to adjacent streets.
2. Pay all Development Impact Fees in effect when the fees are paid. Fees must be paid prior to issuance of Building Permits.
3. Install City of Kernan standard driveways, sidewalks and street lights. Street lights along Vineland Avenue shall be E-7. Placement of lights are subject to review by the City.
4. Install sidewalks along E Street and Vineland Avenue from E Street to F Street with Phase 1.

00-136/cca

IBIT C

NORTH CENTRAL FIRE

North Central Fire Protection District – 15850 West Kearney Boulevard – Kerman, CA 93630
(559) 275-5531 – (559) 846-5353 FAX (559) 846-7114

February 02, 2004

City of Kerman
850 South Madera Ave.
Kerman, CA 93630

Attn: Alan Jacobsen

Re: CUP NO. 04-04, PUNJABI Temple, 680 S. Vineland

Alan,

This office has reviewed the above referenced project and will require the follow fire protection measures pursuant to Article 9 and 10 of the Uniform Fire Code:

1. Access road(s) constructed to not less than Fresno County and Fire Department improvement standards with adequate turn-around area for fire apparatus.
2. Fire Lanes shall be clearly marked in red with white letters 6 inches high. (Fire Lane).
3. Public or on-site water for fire protection from a source approved by this Department and providing a minimum fire flow of 1250 GPM for not less than 2 hours.
4. Approved fire hydrant(s) located not less than 50 feet or more than 150 feet travel distance from all exterior building points or as approved by this Department.
5. Approved automatic fire sprinkler system with 24-hr central station monitoring System shall have flow and tamper monitoring.
6. Installation of UL listed portable fire extinguishers with a minimum 2-A10-B, C rating within 75-foot travel distance of all interior building points. The number and placement of the extinguishers shall be determined by Fire Department.

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NORTH CENTRAL FIRE

North Central Fire Protection District – 15850 West Kenney Boulevard – Kerman, CA 93630
(559) 275-5531 – (559) 846-5353 FAX (559) 846-7114

7. A Lock Box with NCFD approved lock shall be mounted on the main building with keys to open the whole facility (See NCFD Lock Box Standards).
8. Installation of a hood fire extinguishing system over any commercial type cooking appliances in facility.

If you have any questions contact the Fire Prevention Office at (559) 275-5531 ext 1110.

Respectfully,

ATTACHMENT 'G'

RESOLUTION NO. 15-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT (CUP NO. 04-04) TO ALLOW THE CONSTRUCTION OF A 2,400 SF COVERED PATIO ALONG THE SOUTHERN PORTION OF THE EXISTING CHURCH BUILDING LOCATED AT 680 S. VINELAND AVENUE (PUNJABI CULTURAL SOCIETY TEMPLE)

WHEREAS, the Planning Commission of the City of Kerman approved a Conditional Use Permit No. 04-04 to allow a Church to construct a temple, kitchen, social hall, playground and parking, in three phases, on a vacant 4.71 acre site on March 22, 2004 located AT 680 S. Vineland Avenue; and

WHEREAS, the applicants requested an amendment to conditional use permit 04-04, to allow a 2,400 sf covered patio along the southern portion of the existing church building, along 'E' Street; and

WHEREAS, a Notice of Public Hearing was distributed to all property owners of record within 300 feet of the project site and sent to the property owners of record on Friday July 31, 2015, in accordance with City policies and Government Code Section 65090; and

WHEREAS, a Notice of Exemption has been prepared for this project, as projects of this type are categorically exempt from the requirements of CEQA pursuant to §15301(a) (Existing Facilities); therefore, no additional environmental documentation is necessary; and

WHEREAS, the Planning Commission of the City of Kerman has held a public hearing, reviewed said amendment to an existing conditional use permit, and has studied the compatibility of this request with adjacent land uses, and has considered this request in accordance with the conditional use permit criteria established in §17.12 of the Kerman Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Kerman hereby finds:

1. That the proposed use is substantially consistent with the Kerman General Plan and Zoning Ordinance.
2. That the location, size, design, of the proposed 2,400 s.f. covered patio is compatible with the existing and known future uses and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.
3. That the proposed use will not impair the integrity or character of the residential zoning district.
4. That the subject site is physically suitable for the type and intensity of use being proposed.
5. The proposed use is exempt from the California Environmental Quality Act (CEQA).

6. That there would be no harmful effect upon the desirable neighborhood character with approval of this amendment to conditional use permit 04-04 due to the location.

THE PLANNING COMMISSION FURTHER determines that an Amendment to Conditional Use Permit No. 04-04 is hereby approved, subject to the conditions of approval listed in Exhibit "A", attached hereto and made a part of this resolution, and all City standards applicable to this project. Project to be constructed at the site as reflected in Exhibit "B" and consistent with Exhibits "C"- Site Plan, "D" Floor Plan, and "E" Elevations dated July 12, 2015.

The above action is final unless an appeal is filed pursuant to Chapter 17.22 of the Kerman Municipal Code within ten (10) calendar days following Planning Commission action.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

Chairman, Robert D. Epperson

Date

Secretary, Olivia Pimentel

Date

EXHIBIT 'A'

CONDITIONS OF APPROVAL (PUNJABI CULTURAL SOCIETY TEMPLE)

1. The approval of Amendment to Conditional Use Permit No. 04-04 is valid for a period of one (1) year from the approval date (until August 10, 2016). If the use approved by this action is not established within such period of time, the permit shall expire unless upon written request by the applicant prior to the expiration date, an extension is granted by the Planning Commission.
2. The use hereby permitted is for the construction of a two thousand four hundred square foot (2,400 s.f.) covered patio along the southern portion of the existing church structure along E Street side of property as shown in Exhibit 'B'.
3. The applicant shall obtain a building permit from the Building Division prior to commencement of any work granted under this conditional use permit. The proposed two thousand four hundred (2,400 sf) covered patio shall be constructed in accordance with the City's adopted improvements standards.
4. Minor changes to the plans may be allowed subject to the approval of the Director or designee if found to be in substantial conformance with the approved exhibits.
5. That this approval is expressly granted to Punjabi Cultural Society Temple and is not transferable unless and until the new owner/operator submits a letter to the City's Planning Development Services wherein said owner/operator states he has read, understand, and agrees to the conditions of approval of Conditional Use Permit No. 04-04.
6. 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.
7. The applicant shall comply with and complete all existing conditions of approval for the project.
8. Failure to abide by a faithfully comply with any and all conditions attached to the granting of this conditional use permit shall constitute grounds for revocation of said site plan approval by the Planning Commission.
9. The applicants are to make improvements in accordance to the Conditional Use Permit No. 04-04 to vacant lot so as to mitigate any dust and nuisance to surrounding properties and provide proof as determined by the Planning Commission on August 10, 2015.

APPLICANT'S ACKNOWLEDGMENT

I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for amendment to Conditional Use Permit No. 04-04, Punjabi Cultural Society Temple.

Date

Applicant

EXHIBIT 'B'

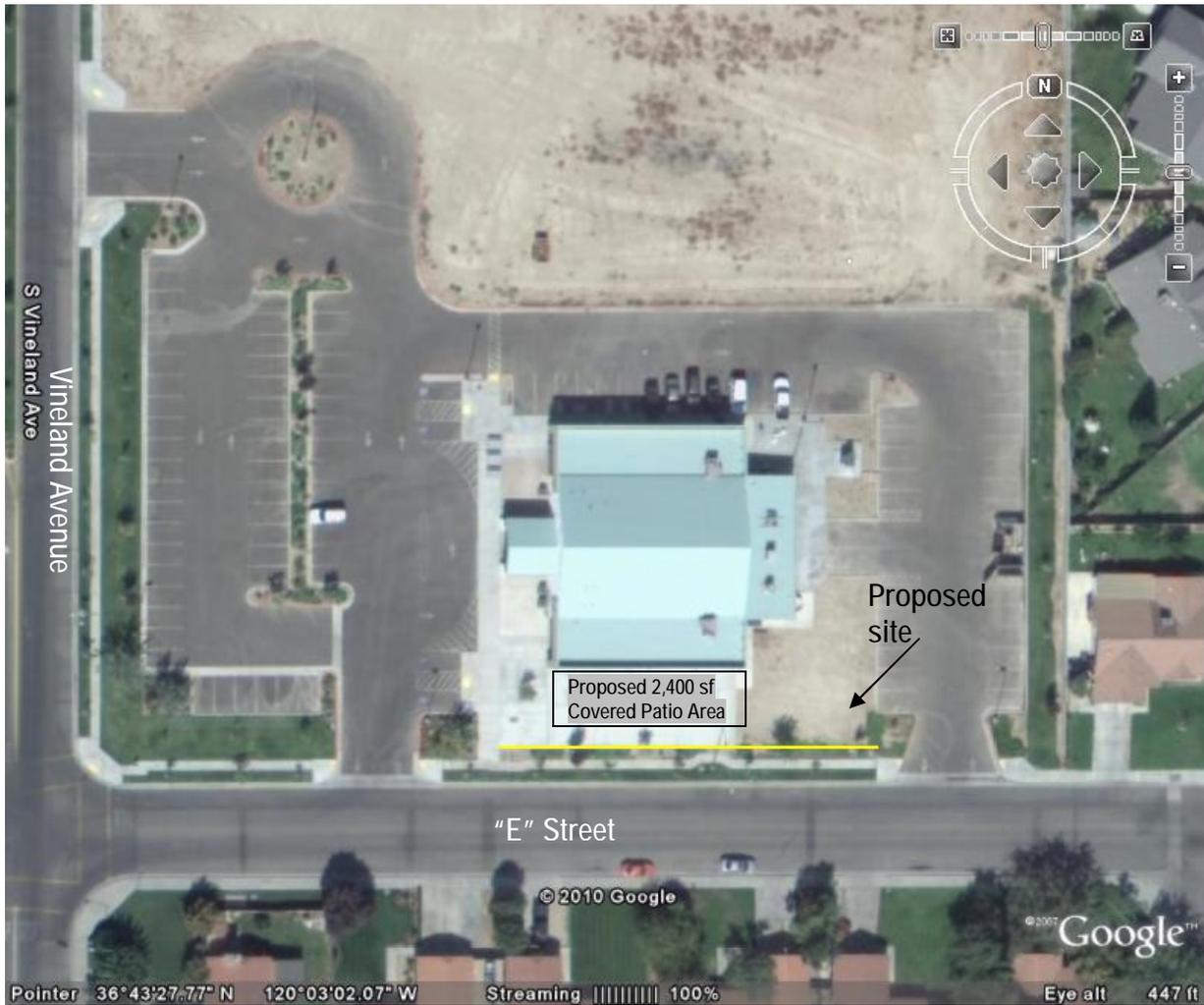


EXHIBIT 'D'
Proposed Floor Plan

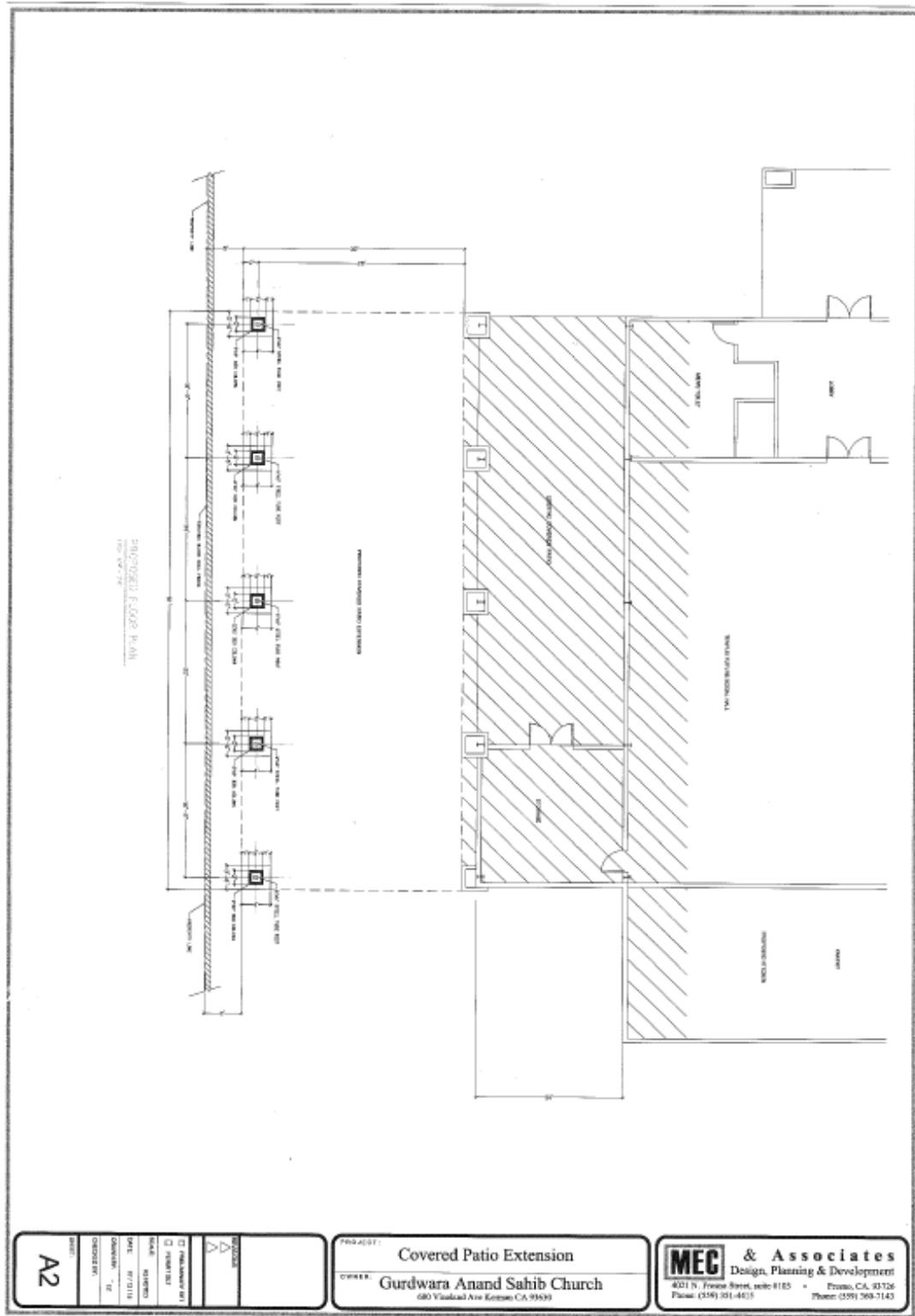


EXHIBIT 'E' Proposed Elevations

