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**AGENDA**  
**KERMAN PLANNING COMMISSION**  
**REGULAR MEETING**  
**Kerman City Hall**  
**Monday, March 14, 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, Eric Kehler, Mario Nunez, Katie Wettlaufer

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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.

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**OPENING CEREMONIES**

Call to Order – Chairman, Robert D. Epperson

Roll Call – Secretary, Olivia Pimentel

Pledge of Allegiance

**AGENDA APPROVAL/ADDITIONS/DELETIONS**

**1. PRESENTATIONS**

- A. In December 2015 the City Council selected three Commissioners to serve a three year term for 2016-2018. Two incumbents (Robert Epperson, Kevin Nehring) are returning to the Planning Commission and a new Commissioner (Leopoldo Espino) will serve on the Commission. The Commission will open the elections of officers for the Chairman and Vice-Chairman positions. This was tabled at the last meeting, there was not a full Commission present.

**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. February 8, 2016 submitted for approval

3. PUBLIC HEARING

- A. Resolution Approving Conditional Use Permit 16-01, Oriental Massage Business located at 275 S. Madera Avenue

Staff recommends that the Planning Commission Open Public Hearing, Receive Public Comment, Close Public Hearing and by motion adopt a Resolution Approving Conditional Use Permit 16-01, Oriental Massage Business, subject to conditions of approval

4. PETITIONS/RESOLUTIONS

5. ADMINISTRATIVE REPORTS

COMMUNICATIONS

- A. Informational: Nathan Fox leaving City Council Effective April 6, 2016. Nathan Fox who served as a Planning Commissioner and on City Council was offered a new position as of last Thursday, he was officially offered an appointment to work for the State Department as a Foreign Service Construction Engineer. His report date is April 18. His first post will likely be in DC for the next year before an assignment abroad. Staff is so proud of his accomplishments and wanted to pass along the good news to the Planning Commission.

ADJOURNMENT

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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.

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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: Friday March 11, 2016

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



## MINUTES

### KERMAN PLANNING COMMISSION

Regular Meeting, Kerman City Hall

Monday, February 08, 2016 6:30 P.M.

Chairman Robert Epperson, Vice-Chairman Kevin Nehring

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

#### OPENING CEREMONIES

Call to Order – Vice-Chairman, Kevin Nehring called meeting to order at 6:30pm

Roll Call – Secretary, Olivia Pimentel

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

Commissioners Absent: Epperson (excused)

Staff: Dave Brletic, Contract Planner, Jerry Jones, City Engineer,

Guest: Patrick Boyd, Ted Holzem,

Pledge of Allegiance: Performed

**AGENDA APPROVAL/ADDITIONS/DELETIONS-** Item 4A was moved and presented before 3A.

#### 1. PRESENTATIONS

- A. Installation of New Officers: Chairman and Vice-Chairman, matter tabled to next meeting.

**REQUEST TO ADDRESS THE COMMISSION** - None offered

- 2. **APPROVAL OF MINUTES:** C/Wettlaufer made a correction to the minutes of January 25, 2016, the meeting adjourned at 6:50 p.m., not 7:50 p.m., C/ Bandy made a motion to approve minutes of January 25, 2016 as amended, second C/Jones, unanimously approved

#### 4. PETITIONS/RESOLUTIONS

- A. Resolution Recommending that the City Council Approve Street Median Landscape Master Plan for Collector Streets Project.

City Engineer, Jerry Jones addressed the Planning Commission to gather support and requested that the Commission recommend that the City Council support a Street Median Landscape Master Plan for Collector Streets Projects. Mr. Patrick Boyd, Landscape Architect for the project provided additional information and addressed questions from the Commission.

The Planning Commission unanimously supported the proposed project.

#### 3. PUBLIC HEARING

- A. Public Hearing of the Kerman Planning Commission Recommending that the City Council Adopt General Plan Amendment for the City of Kerman 2015-2023 Multi-Jurisdictional Housing Element, Initial Study and Mitigated Negative Declaration as adequate environmental document for the project.

Planning Commission opened public hearing at 7:00 p.m., received public comments, closed public hearing at 7:13 p.m. and by motion approved resolution recommending that the City Council Adopt General Plan Amendment 16-01, for the City of Kerman 2015-2023 Multi-Jurisdictional Housing

Element, Initial Study and Mitigated Negative Declaration as adequate environmental document for the project.

Mr. Ted Holzem, Principal Planner for Mintier Harnish Planning Consultants for the Multi-Jurisdictional Housing Element provided a power point presentation and information relating to the proposed 2015-2023 City of Kerman Housing Element. The next step is to present to City Council on March 16, 2016.

C/Jones made a motion to approve Resolution No. 16-03, Recommending that the City Council Adopt General Plan Amendment (GPA 16-01) for the City of Kerman 2015-2023 Multi-Jurisdictional Housing Element, Initial Study and Mitigated Negative Declaration as adequate environmental document for the project, second C/Nunez. The motion approved by following vote:

Ayes: Bandy, Nehring, Wettlaufer, Nunez, Espino, Jones

Noes: None

Absent: Epperson

Abstain: None

**5. ADMINISTRATIVE REPORTS** None offered

**COMMUNICATIONS**

- A. Informational: Adult Residential Care Facilities- no comments informational only  
Staff provided as an informational item only these types of uses are permitted by right in residential zone districts; but is an item that needs to be updated in the City's Municipal Ordinance and will be included in future proposed amendments to the Kerman Municipal Code.

**ADJOURNMENT** at 7:25 p.m.



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



# City of Kerman

*"Where Community Comes First"*

CHAIRMAN  
Robert D.Epperson

VICE-CHAIRMAN  
Kevin Nehring

DEPARTMENT: PLANNING & DEVELOPMENT  
STAFF REPORT  
PLANNING COMMISSION MEETING  
COUNCIL MEETING DATE: MARCH 14, 2016

COMMISSIONERS  
Charlie Jones

Robert Bandy  
Katie Wettaufer

Mario Nunez  
Leopoldo Espino

To: Chairman and Commission Members  
From: Olivia Pimentel, Planning Technician  
Subject: Public Hearing Conditional Use Permit (CUP 16-01) Oriental Massage Business  
275 S. Madera Avenue Kerman CA

## RECOMMENDATION

Commission open public hearing, receive public comments, close public hearing and by motion adopt resolution approving a Conditional Use Permit (CUP 16-01) With Conditions for Oriental Massage Business located at 275 S. Madera Avenue in the General Commercial Zone District, subject to certain findings and conditions of approval.

## EXECUTIVE SUMMARY

Staff received an application for an oriental massage business establishment from Mr. Xiao Hu. These types of businesses previous to 2015 were not listed or addressed in the Kerman Municipal Code. By way of background, last fall, both the Planning Commission and City Council held public hearings and ultimately passed an ordinance that allows these types of businesses in the General Commercial zone districts with a Conditional Use Permit approved by the Planning Commission and an ordinance that requires that massage business establishments obtain a Massage Establishment Permit from the Kerman Police Department. In essence, a CUP would be subject to the Massage Establishment Permit and the Massage Establishment Permit is subject to approval of a CUP.

The proposed CUP is located at 275 S. Madera Avenue in the General Commercial Zone District.

## PROJECT LOCATION

The project site is located on Madera Avenue between Sunset and Stanislaus Avenue on the southwest corner of Madera and Sunset Avenue, as shown in Figure 1 below.

Figure 1  
 Site Location



**GENERAL INFORMATION**

Site Location: Southwest corner of 'Madera' and San Joaquin Avenue  
 Address: 275 S. Madera Avenue  
 APN(s): 023-302-18s  
 Plan Land Use Designation: General Commercial  
 Zoning District: CG (General Commercial)  
 Surrounding Uses & Zoning:

Location	General Plan Designation	Existing Uses	Zone District
North	Commercial	Commercial	CG
South	Commercial	Commercial	CG
East	Commercial	Commercial	CG
West	Residential	Multi-Family/Residential	R-3/R-1

Staff is recommending approval subject to obtainment and maintenance of a Massage Establishment Permit and other subject to the following conditions relating to the proposed massage business:

## DISCUSSION

### Land Use Compatibility

The subject property is designated general commercial on the land use map and zoned general commercial (CG). The CG zone district as recently adopted identifies several commercial types of uses as complimentary uses within the general commercial zone district and allows other uses including massage businesses by conditional use permit. The subject site is located within an existing commercial building complex that is developed and has been used as a commercial multi-tenant complex for many years. The site is owned by JH Boyd Real Estate Inc.. Thus, the proposed use as a massage business would be compatible and would not negatively impact the existing neighborhood with the conditions of approval as listed to mitigate any negative impacts.

### Site Plan

The site is located in an existing commercial building located on the southwest corner of Madera Avenue and San Joaquin Avenue. The proposed parking is located to the west of the building. The primary entrance to the site is from "San Joaquin Avenue and Stanislaus Avenue and an additional exit is off of the existing alley. The main building is in good condition.

### Parking

The parking requirements for commercial uses shall be at least one parking space per §17.74.050 of the Kerman's Municipal Code. The applicant is proposing to utilize the existing parking on-site. The applicant anticipated a maximum of up to four (4) massage stations. The applicant is proposing to use existing off-site on on-site parking, no additional parking stalls are being proposed. Furthermore, there are approximately 10 on-street parallel parking spaces fronting the property along 'San Joaquin and Madera Avenue that could be used for the site.

Based on the applicants statement, the Oriental Massage Business's heaviest use would be in the evenings after work and for intermittent use during the day and evening on select days during the week. Thus, staff finds that the proposed use meets the parking requirements. However, if parking becomes a concern for the neighborhood staff included a condition that would allow the Planning Commission to review traffic and parking conditions and, if warranted, provide additional conditions and/or even consider revocation of the permit.

### Traffic/Circulation

The main access to the parking lot is from the alley on San Joaquin Avenue and Madera Avenue with access to and additional existing alley to the west. Staff looked at whether traffic after services could potentially cause congestion, and determined that traffic patterns would not affect circulation or cause undue congestions. The subject site is accessed through a series of local roads that are adequate for safe traffic movements to and from the site.

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## Noise

The Oriental Massage Business is proposed to be located within a commercial zone district. The proposed use would primarily be conducted inside the building with little to no activity beyond arrival and departure of members. Therefore, staff does not anticipate any significant noise impacts upon the surrounding area. If there becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Planning Division or, if needed, return to the Planning Commission for additional conditions or even possible revocation of the permit.

## Tenant Improvements

The applicant is not proposing tenant improvements; however if in the event they do decide to make any tenant improvements that will require review and approval by the Building Official and Fire Department. A condition of approval has been added to address any requirements or conditions imposed.

## Signage

None is proposed as part of this application; however, any signage would be required to be consistent with the Sign Ordinance and Sign Design Guidelines, and would be submitted to the Planning and Development Services Department for review and permitting prior to installation.

## Public Utilities and Services

The existing building is currently connected to existing sewer and water services. Prior to occupancy, a fire inspection will be required, if the Fire Department requires it..

## PUBLIC HEARING

A public hearing notice was published in the Kerman News and mailed to property owners within 300 feet of the site on Thursday February 25, 2016. 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.

Based on its review and the conditions noted, Staff recommends the Planning Commission adopt a resolution approving Conditional Use Permit 16-01, Oriental Massage Business (Attachment 'A') Subject to Conditions.

## FISCAL IMPACTS

There is no anticipated fiscal impact; costs would be recovered through existing planning entitlement fees.

## Attachments:

- A. Planning Commission Resolution 16-04

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Attachment 'A'

RESOLUTION NO. 16-04

BEFORE THE PLANNING COMMISSION  
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 16-01 WITH  
CONDITIONS FOR ORIENTAL MASSAGE BUSINESS ESTABLISHMENT AT 275 S. MADERA AVENUE

*WHEREAS*, at a regular meeting of the Planning Commission of the City of Kerman (the "Planning Commission") duly called and held on March 14, 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 Massage Business Establishment that pursuant to zoning ordinance amendments to Chapter 17.48 of Title 17 of the Kerman Municipal Code a conditional use permit for Massage Business Establishments is required; and

*WHEREAS*, the Planning Commission may adopt conditions for the approval of a conditional use permit.

*WHEREAS*, in addition to a conditional use permit, applicants are required to secure a Massage Establishment Permit pursuant to Chapter 9.27 of Title 9 of the Kerman Municipal Code; and

*WHEREAS*, the Planning Commission pursuant to Chapter 17.10, Public Hearings, section 17.10.020 notified property owners within 300 feet of the proposed site and published a duly public notice in the local newspaper 10 days prior to the public hearing on March 14, 2016, to consider the conditional use permit; and

*WHEREAS*, the Planning Department has determined that the proposed conditional use permit is statutorily exempt from environmental review pursuant to Title 14, California Code of Regulations, Section 15378(a)(l) of the California Environmental Quality Act (CEQA).

*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. Based on the evidence presented at the hearing, the following findings are hereby made:
  - a. The proposed conditional use permit application is consistent and compatible with goals, policies and implementation programs set forth in the General Plan.
  - b. That the proposed conditional use permit application will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the community so long as the condition set forth below are met.
  - c. The proposed conditional use permit application is statutorily exempt from the California Environmental Quality Act as set forth above.
  - d. 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.

3. Based on the foregoing, the Planning Commission approves the Conditional Use Permit No. 16-01 With the following Conditions for the Oriental Massage Business at 275 S. Madera Avenue, Kerman, CA.
  - a. The CUP shall not become effective until a Massage Establishment Permit is obtained from the Police Department.
  - b. A copy of the Massage Establishment Permit issued by the Police Department shall be filed with the Planning Department.
  - c. The Massage Establishment Permit requirements shall be maintained at all times.
  - d. The CUP shall become null and void one (1) year following the effective date unless the approved use has been commenced.
  - e. The CUP shall be deemed null and void if the Massage Establishment Permit expires or is revoked.
  - f. The CUP shall be deemed null and void if there is a discontinuance of the use for a continuous period of one year.
  - g. Parking: The CUP shall use the on-site parking provided by the existing commercial building complex. However, if parking becomes a concern for the neighborhood staff included a condition that would allow the Planning Commission to review traffic and parking conditions and if warranted, provide additional conditions and/or even consider revocation of the permit.
  - h. Hours of Operation: The CUP shall adhere to the approved hours of operation reviewed and approved by the Police Department.
  - i. Traffic/Circulation: The CUP shall adhere to existing traffic/circulation patterns for the subject site. The main access to the parking lot is from San Joaquin and Stanislaus Avenues with access to the existing alley to the west. Staff looked at whether traffic generated from this business could potentially cause congestion, and determined that traffic patterns would not affect circulation or cause undue congestions. The subject site is accessed through a series of local roads that are adequate for safe traffic movements to and from the site.
  - j. Noise: The CUP for the Oriental Massage Business use is proposed to be located within a commercial area. The proposed use would primarily be conducted inside the building with little to no activity beyond arrival and departure of members. Therefore, staff does not anticipate any significant noise impacts upon the surrounding area. If there becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Planning Division or, if needed, return to the Planning Commission for additional conditions or even possible revocation of the permit.
  - k. Signage; None is proposed as part of this application; however, any signage would be required to be consistent with the Sign Ordinance and Sign Design Guidelines, and would be submitted to the Planning and Development Services Department for review and permitting prior to installation.
  - l. Public Utilities and Services: The existing building is currently connected to existing sewer and water services. Prior to occupancy, a fire inspection will be required, if required by the Fire Department.
  - m. "Any conditions in the Massage Establishment Permit that are stricter than these conditions shall supersede these conditions."

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The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 14<sup>th</sup> day of March 2016, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

\_\_\_\_\_  
Chairman, Robert D. Epperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Olivia Pimentel

\_\_\_\_\_  
Date