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AGENDA
KERNMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
Monday, August 13, 2018
6:30 PM

Chairman Robert Bandy
Vice-Chairman Kevin Nehring
Commissioners
Scott Bishop
Leopoldo Espino
Robert Felker
Mario Nunez
Katie Wettlaufer

OPENING CEREMONIES
Call to Order
Roll Call
Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS/CEREMONIAL MATTERS

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 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. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. SUBJECT: Minutes

RECOMMENDATION: Commission approve minutes as presented.

ATTACHMENTS:
3. PUBLIC HEARINGS

A. **SUBJECT:** Resolution Approving Conditional Use Permit 18-03, Ramirez Large Family Daycare 775 S. Kenneth Avenue

**RECOMMENDATION:** Commission by motion, open public hearing, take any public comments, close public hearing and adopt resolution approving conditional use permit 18-03, Ramirez Large Family Daycare at 775 S. Kenneth Avenue.

**ATTACHMENTS:** [Staff Report Ramirez LFDC]

B. **SUBJECT:** Zone Ordinance Amendment relating to Chapter 17.42, Multi-Family Residential Zone District

Item to be continued

**RECOMMENDATION:** Public hearing continued to future date to allow for CEQA noticing requirements for Zone Ordinance Amendment relating to Chapter 17.42, Multi-Family Residential Zone District

4. PETITIONS/RESOLUTIONS

5. ADMINISTRATIVE REPORTS

6. COMMUNICATIONS

ADJOURNMENT

Agenda packet is available for review 72 hours prior to the meeting at the city clerk’s office and on the city website. Items received at the meeting will be available for review at the city clerk’s office.

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.

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

Call to Order by Chairman Robert Bandy at 6:30 p.m.
Roll Call by Destiny Garcia, Assistant Secretary
Commission Present: Bandy, Bishop, Espino, Felker, Nehring, Nunez, Wettlaufer
Commission Absent: None
Pledge of Allegiance: Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS – Motion by C/Nehring, second C/Felker, Agenda approved as presented

1. PRESENTATIONS/CEREMONIAL MATTERS  None offered

REQUEST TO ADDRESS COMMISSION – None offered

2. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. SUBJECT: Minutes

RECOMMENDATION: C/Bishop made a motion to approve minutes of June 11, 2018 as presented, second C/Nehring, unanimously approved as presented.

3. PUBLIC HEARINGS  None offered

4. PETITIONS/RESOLUTIONS

A. SUBJECT: Petition of Amendment: To Initiate Zoning Ordinance to Rezone a portion of Property from the Rural Residential (RR) to the Multi-Family (R-3) Zone District and Amend the General Plan to Reclassify property from the Rural Residential Low Density to the Multi-Family High Density Designation relating to the property located on the northwest corner of Kearney Blvd and Vineland Avenue and Adopt Mitigated Negative Declaration

Public Hearing will be set for future date in November or December, to allow for CEQA noticing requirements.
B. **SUBJECT:** Petition of Amendment Amending Chapter 17.42 Multi-Family Zone District to Comply with State Law

Public Hearing will be set for future date in Sept or October

5. **ADMINISTRATIVE REPORTS** - None offered

6. **COMMUNICATIONS** - Letter received from Community Housing and Development Department regarding designation of multi-family sites was reviewed with Commission

7. **ADJOURNMENT** – Adjourned at 6:49 p.m.

/s/ Olivia G. Pimentel
Secretary to the Planning Commission
To: Planning Commission  
From: Olivia Pimentel, Assistant Planner  
Subject: Conditional Use Permit 18-03 – Ramirez Large Family Daycare

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and adopt Resolution No. 18-06, approving Conditional Use Permit No. 18-03, for a large family daycare home at 775 S. Kenneth Ave., subject to conditions of approval (Ramirez Large Family Day Care).

APPLICANT/PROPERTY OWNER:

Marco and Laura Ramirez  
775 S. Kenneth Ave  
Kerman, CA 93630

PROPOSAL:

The applicants currently have a conditional use permit for an existing large family day care home at 15877 W. E Street for up to fourteen (14) children (CUP 10-07), but are moving to a new site. A conditional use permit goes with the land and is not transferable to a new location and therefore requires a new conditional use permit for a large daycare at 775 S. Kenneth Ave.

BACKGROUND:

The applicants have operated a small family day care home since July 7, 2007 (Attachment ‘A’). In 2010 the applicant applied and obtained a license to operate a large family day care home through the Community Care Licensing Division (CCLD) of the California Department of Social Services (DSS). The applicants have been operating the large family daycare since then. The applicants recently purchased a new home on Kenneth Avenue and wish to continue operating a large family daycare center at the new location, therefore, this requires a new conditional use permit.

The proposed location of the large daycare home is in the R-1 (Single Family Residential) zone. Pursuant to California Health and safety Code Section 1597.46, the state encourages the establishment of large family daycare homes in existing residential homes so as to provide children with normal residential surroundings consistent with a traditional home environment. The City of Kerman allows large family daycare homes in all single-family residential districts subject to the granting of a conditional use permit, in accordance with the provisions of Chapter 17.20.040 of the Kerman Municipal Code.
SITE DESCRIPTION:

The new site for the proposed large family day care home is located in an existing single-family neighborhood, on the west side of Kenneth Avenue north of California Avenue (see Figure 1). The residence is approximately 2,665 square-feet, two story 5-bedroom home, with an attached three-car garage, on an approximately 7,700-square foot lot (see Attachment 'B'). The front and rear yard is landscaped with lawn, shrubs and trees.

Figure 1: Location Map
GENERAL INFORMATION:

Owners: Marco and Laura Ramirez
Site Location: 775 S. Kenneth Avenue
APN(s): 020-320-07s
Lot Size: 7,700 square feet
Plan Land Use Designation: Medium Density Residential
Zoning District: R-1 (Single Family Residential)

Surrounding Uses & Zoning:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Uses</th>
<th>General Plan Designation</th>
<th>Zone District</th>
</tr>
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<tbody>
<tr>
<td>North</td>
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<td>SF Residential</td>
<td>R-1</td>
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<td>R-1</td>
</tr>
<tr>
<td>West</td>
<td>Agriculture</td>
<td>SF Residential</td>
<td>Fresno Cty Ag</td>
</tr>
</tbody>
</table>

ANALYSIS:

When an application for a large family child care home is submitted for review by the City, the City is restricted by state law to only look at the potential impacts of this use and place reasonable restrictions on the operation in four areas:

1. Noise,
2. Parking,
3. Traffic, and
4. Space and concentration.

Operations

The applicant currently operates a large family day care for up to fourteen children. The operation at the Kenneth site would be similar to the existing operations. The center would operate Monday through Friday from 7:00 a.m. to 6:00 pm. Drop-off and pick-up hours vary between 6:30 – 7:00 in the morning and 5:30 - 6:00 in the evening.

The pick-up and drop-off of children at the subject residence will be from the front of the residence and/or the driveway, and will vary from day to day. The day care’s scheduling is not structured like a school so drop-off and pick-up will be scattered throughout the day depending on parents’ work schedule, thereby reducing the possibility of stacked cars or numerous vehicles at the site.

The applicant currently does not have employees for the day care. However, the applicant intends to hire one assistant in order to satisfy the student/teacher ratio of one teacher for every twelve students (1:12). The applicants currently utilize the rear yard for play area. The front and rear yard is landscaped with lawn, shrubs and trees. There is a 6’ wood fence enclosing the rear yard.
Staff conducted a site visit of the residence on Wednesday, August 1, 2018. The living room, dining room and kitchen areas will be dedicated to the operation of the business. The site is not operating yet until approved by the fire department. From the street there will be no indication that the residence is being used as a day care (see photos in Attachment ‘C’).

The applicant advised that they are closely monitored by the state CDDL and the health department. These two entities make unscheduled inspections on a quarterly basis. The applicant is also required to take courses through Children Services Network.

Noise

The subject site is in a single family residential neighborhood. Any noise generated from the residence will be primarily from the children during recess or play hours, which would occur after 7:00 am and not extend beyond 6:00 pm. No noise impacts are expected in connection with this child care. There have been no complaints at the applicant’s previous location regarding noise or other aspects of the use.

Parking

Pursuant to Section 17.20.50 of the Kerman Municipal Code, one (1) parking space is required for each employee not residing in home. The residence has a three car garage and three (3) parking spaces in the driveway for a total of 6 available on-site parking spaces. In addition, there is sufficient on-street parking on either side of Kenneth Avenue. Therefore, adequate parking is available for employees.

Traffic

The proposed day care home is located on the west side of Kenneth Avenue, north of California Avenue. Kenneth Avenue is a local street with full street improvements, which provides on-street parking on both sides of the street. The drop-off area is in the front of the residence. Primary traffic will be during drop offs between 6:30 and 7:00 a.m. and during pick-ups between 5:30 and 6:30 p.m. There are no major traffic impacts expected in connection with this day care.

Space and Concentration

The zoning ordinance established a space requirement for large family day care homes. Large family day care homes must be separated by 1,000 feet from an existing large family day care home. There are currently no known large family daycares in the area. Thus, the proposed day care is sufficiently spaced, consistent with zoning ordinance standards.

The applicant's residence must obtain fire clearance from the Fire Marshal as a condition of the state licensing requirements.

PUBLIC NOTICE:

A public hearing notice was published at least ten days prior in the Kerman News on Wednesday August 1, 2018 and notices were mailed to property owners within three hundred feet of the property pursuant to Chapter 17.10 of the Zoning Ordinance.

There have been no responses as of the date of preparation of this report.
APPEALS:

The Kerman Municipal Code provides that any action of the Planning Commission may be appealed to the City Council if such appeal is filed within ten (10) working days of the date of action. Appeals may be filed in writing to the Planning and Development Services Department.

ENVIRONMENTAL DETERMINATION:

Staff has determined that the proposed project is categorically exempt from environmental review pursuant to Section 15301(p) of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

CONCLUSION:

The proposed conditional use permit for a large family day care home is consistent with purposes and standards of the R-1 Single-Family Residential Zone District. Large family day care homes are a conditionally permitted use in the R-1 District and are considered by the California Health and Safety Code as an accessory use to residually zoned and occupied properties. Furthermore, the conditions that have been applied to the proposed use permit will ensure that the public’s health, safety and welfare are protected.

ATTACHMENTS:

A. Floor Plan of Residence
B. Photographs of Residence
C. Resolution No. 18-06, approving CUP No. 18-03, subject to conditions
Attachment ‘A’

Floor Plan of Residence
continued
Attachment ‘B’
Photographs of New Residence-775 S. Kenneth
RESOLUTION NO. 18-06

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF KERMAN, STATE OF CALIFORNIA, APPROVING
CONDITIONAL USE PERMIT NO. 18-03
(Ramirez Large Family Day Care Home- 775 S. Kenneth)

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the “Planning Commission”) duly called and held on August 13, 2018, at 6:30 p.m., it was moved by Commission member ________________ and second by Commission member ________________ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission considered Conditional Use Permit 18-03 for the operation of a large family day care home located at 775 S. Kenneth Avenue; and

WHEREAS, the project and proposed use will be consistent with the 2027 Kerman General Plan land use designation of “Medium Density Residential” and the zoning classification of (R-1), Single Family Residential; and

WHEREAS, the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA), pursuant to Section 15301(p) of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission of the City of Kerman, after considering the staff report, all accompanying information, and testimony received from the applicant and the other interested parties, has determined to approve conditional use permit 18-03.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Kerman, based on public testimony received and in their own independent judgment, does hereby approve the request for a Conditional Use Permit 18-03, based on the following findings:

1. The large family day care home is consistent with the General Plan designation in that large family day care homes are conditionally permitted uses on properties designated “Medium Density Residential” as shown on the General Plan land use map.

2. The site is suitable and adequate for the proposed use and will conform to the Development Standards of the (R-1), Single Family Residential Zone District and is subject to conditions of approval contained herein that will ensure that the use does not have an adverse impact on their affected sites;

3. Conditional Use Permit No. 18-03 is in compliance with all applicable provisions of the Zoning Ordinance and is consistent with the General Plan Land Use Designation.

4. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large because the large family day care home operation is properly regulated with adequate parking, would not create nuisances or degrade the environment and is designed to limit impacts on surrounding residents.
BE IT FURTHER RESOLVED that the Planning Commission hereby approves Conditional Use Permit 18-03, subject to the following conditions of approval:

Conditions of Approval

Prior to Issuance of Conditional Use Permit, the following conditions must be satisfied:

1. The applicant shall provide the Planning Division a copy of State license authorizing operation of a Large Day Care Home (for up to 14 children) at the new site location prior to occupancy and operation of the day care home.

2. The applicant shall obtain a business license from the Finance Department and submit a copy to the Planning Division prior to occupancy and operation of the large family day care home on the subject parcel.

General Conditions

3. The Planning Director, upon approval of the Planning Commission, is authorized to issue a Conditional Use Permit for this project site.

4. The hours of operation for the site shall generally be from 7:00 a.m. to 6:00 p.m. Monday through Friday.

5. The operation of the large family day care home shall be in full compliance with and subject to all licensing requirements of the State of California. If the Planning Director finds evidence that the operation of the facility is not in compliance with state licensing requirements, the Planning Director may refer the Conditional Use Permit to the Planning Commission for review. If, upon such review, the Commission finds non-compliance with state licensing requirements, the Commission may modify or revoke the use permit.

6. If the conditions of approval have not been fulfilled or the use has resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or has a substantial adverse impact on public facilities or services, the Planning Director may refer the Conditional Use Permit to the Planning Commission for review. The Commission may modify or revoke the use permit.

7. The number of children allowed by this Conditional Use Permit shall not exceed 14 children.

8. The applicant shall provide parents/guardians with a written advisory and diagram that details the protocols for entering, dropping-off, picking-up, parking and exiting the site. Parents/guardians shall acknowledge (in writing) that they have read and will abide by the provisions of the advisory.

9. Large family day care homes must comply with all applicable state licensing laws at all times. The applicant must submit evidence showing that the applicant is a licensed operator pursuant to the provisions of the State Department of Social Services, Community Care Licensing, regulating child care facilities.
10. The residence must be in compliance with the development standards for the zone.

11. The proposed use must comply with all State Fire Marshal requirements for building and safety that apply to large family day care homes, and with all local building and fire codes which apply to single family residences.

12. The day care home must be the principle residence of the provider, and its use as a day care home must be clearly incidental and secondary to the use of the property for residential purposes.

13. The facility must be operated in a manner so as not to appear as a commercial operation, and the property must be maintained to preserve the general appearance and character of the residential neighborhood. Play equipment must not be located within the required front yard setback of the property, so as not to have the appearance of a commercial child care center.

14. No structural changes may be proposed that will alter the character of the building as a residence.

15. Signs for the day care home must comply with Chapter 17.76 (Signs) for signs in residential uses.

16. The applicant shall submit a site plan and a floor plan depicting the property and the area to be used for the caring of the children, designated play area and unloading and loading zone for the delivery of children, the location of fire extinguishers and smoke detectors.

Operating Standards

17. Parking. One parking space shall be maintained for each employee not residing in the large family day care home dwelling, plus the two parking spaces required for the occupants of the single family residence as required pursuant to Chapter 17.74 of the Zoning Ordinance.

18. Passenger Loading and Traffic Control. Loading and unloading of children from vehicles shall only be permitted on the authorized driveway of the residence, approved parking area, or directly in front of the residence in order to promote the safety of the children and prevent traffic congestion or hazards. If the city's traffic engineer or transportation management division finds during evaluation of the facility that curbside loading is not adequate, the applicant may be required to develop a passenger loading plan.

19. Noise. Noise from outdoor play area must be kept to a level consistent with residential neighborhoods. To reduce possible noise impacts, outdoor play/activity areas must only be used between the hours of eight a.m. to six p.m. The operation of the facility must comply with residential noise standards contained in Chapter 9.26, Prohibition of Unreasonably Loud and Unnecessary Noise, and the noise element of the City of Kerman General Plan.

20. Separation. As a means to maintain the integrity of residential neighborhoods, new large family day care homes must not be located within one thousand feet of an existing state licensed large family day care home or within five hundred feet of any other child day care center licensed to care for up to fourteen children.

21. Outdoor Play Area. Play equipment must not be located within the required front yard or side yard setback area of the property (that would give the appearance of a commercial child care center). The outdoor play area shall be grassed, fenced with a six foot high masonry wall or wood fence, and
adequately separated from vehicular circulation and parking area. Any entry gate shall be securely fastened.

22. Hours of operation may be restricted by the planning commission as deemed appropriate in order to control increased traffic or noise impacts upon a residential neighborhood caused by the approval of a large family day care home.

Passed and adopted at a regular meeting of the Kerman Planning Commission held on August 13, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

__________________________ _______________
Chairman, Robert Bandy Date

__________________________ _______________
Secretary, Olivia Pimentel Date