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# CITY OF KERMAN PLANNING COMMISSION

## AGENDA

### REGULAR MEETING

DATE: Monday, February 24, 2014

TIME: 6:30 p.m.

Location: City Council Chambers 850 S. Madera Avenue. Kerman, Ca

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 in the Planning Department at 850 South Madera Avenue, Kerman, during normal business hours. Documents that are public documents provided by others during a meeting will be available at the same location during business hours after the meeting.

*Note: Individuals needing special assistance in order to participate should contact Olivia Pimentel, Planning Secretary at (559) 846-9386 for assistance prior to the meeting.*

Call to Order – Chairman, Robert D. Epperson

Roll Call – Secretary, Olivia Pimentel

Pledge of Allegiance

Approval of Agenda

1. Approval of Minutes

Submit Minutes of January 27, 2014 for consideration and approval

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. Presentation(s)

A. None Offered

3. Public Hearing(s) / Meeting(s)

A. Resolution 14-01, Approving a Conditional Use Permit for a Large Family Daycare for up to fourteen (14) children at 14088 B Street for Guadalupe Avila-Segovia.

The applicant, Guadalupe Avila-Segovia is requesting a conditional use permit to expand an existing small family day care home for eight (8) children to a large family day care licensed for up to fourteen (14) children to be conducted at 14088 W. B Street.

4. Petitions, Resolutions

5. Administrative Reports

A. Project Update February 24,2014

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 February 20, 2014.

Olivia G. Pimentel  
Secretary to the Planning Commission

# CITY OF KERMAN PLANNING COMMISSION

City Council Chambers 850 S. Madera Avenue Kerman CA, 93630  
Regular Meeting Monday January 27, 2014, 6:30pm

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

Roll Call – Secretary, Olivia Pimentel

Commissioners Present: Epperson, Bandy, Harris, Melgoza, Nehring, New C/Kehler and C/Wettaufer

Commissioners Absent: None

Pledge of Allegiance: Performed

Approval of Agenda, approved as presented motion C/Nehring, second C/Bandy

1. Approval of Minutes, approved as presented motion C/Nehring, second C/Bandy

Submit Minutes of November 25, 2013 for consideration

No Meeting December 23, 2013 for consideration

Request to Address Commission – None offered

2. Presentation(s)

A. Presentations: Swearing-in ceremonies for newly appointed Commissioners

On December 5, the City Council appointed Robert Bandy and Katie Wettlaufer to the Planning Commission for a three-year term (Dec.31, 2013 through Dec. 31, 2016). On January 15, the City Council appointed Eric Kehler to the Commission to fill the vacancy created by the resignation of Michael Lopez for a two year term (Dec. 31, 2013 through Dec. 31, 2015).

Deputy City Clerk, Olivia Pimentel, administered oath of office to three planning commissioners Returning Commissioner, Robert Bandy and two new Planning Commissioners Katie Wettlaufer and Eric Kehler. Performed, New and returning Commissioners took their seats.

3. Public Hearing(s) / Meeting(s) None

4. Petitions, Resolutions None

5. Administrative Reports None

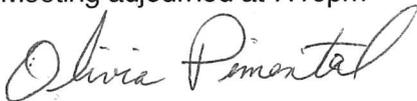
Communications

A. Commissioners Comments – As Offered

Next meeting scheduled February 24, 2014

Adjournment

Meeting adjourned at 7:10pm



Olivia G. Pimentel  
Secretary to the Planning Commission



# City of Kerman

*"Community Comes First"*

Chairman  
Robert Epperson

Vice Chairman  
Kevin Nehring

Commissioner  
Robert Bandy

Commissioner  
Gabe Melgoza

Commissioner  
Jodan Harris

Commissioner  
Katie Wettlaufer

Commissioner  
Eric Kehler

KERMAN PLANNING COMMISSION  
STAFF REPORT  
FEBRUARY 24, 2014

To: Planning Commission  
From: Luis Patlan, Director of Planning & Development Services  
Subject: Conditional Use Permit 14-01 – Avila-Segovia Large Family Daycare

## **RECOMMENDATION:**

Staff recommends that the Planning Commission conducts a public hearing and adopts Resolution No. 14-01, approving Conditional Use Permit No. 14-01 for a large family daycare home at 14088 W. 'B' St., subject to conditions of approval (Avila-Segovia Large Family Day Care).

## **APPLICANT/PROPERTY OWNER:**

Guadalupe Avila-Segovia  
14088 W. B St  
Kerman, CA 93630

## **PROPOSAL:**

The applicant is requesting a conditional use permit to expand an existing small family day care home for eight (8) children to a large family day care licensed for up to fourteen (14) children to be conducted at 14088 W. B Street.

## **BACKGROUND:**

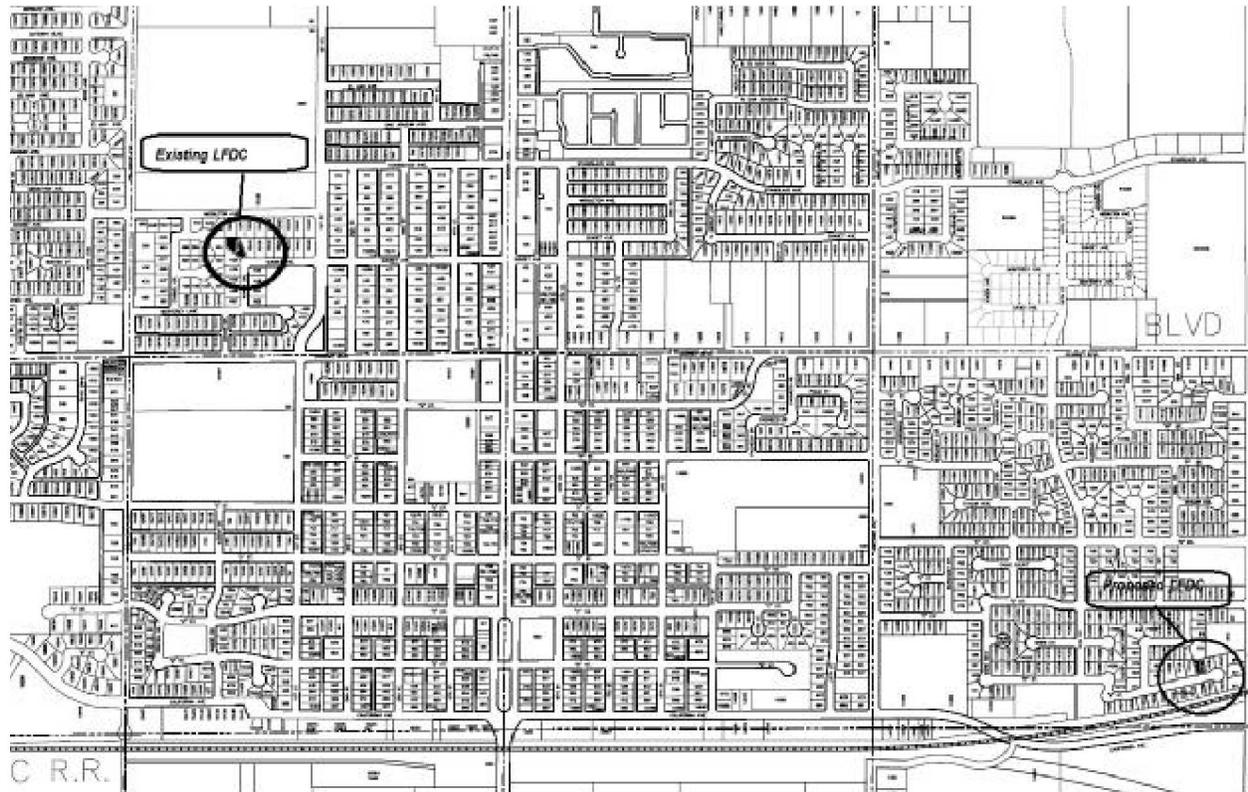
The applicant has operated a small family day care home from the residence since July 26, 2012 (Attachment 'A'). The applicant has applied for a license to operate a large family day care home through the Community Care Licensing Division (CCLD) of the California Department of Social Services (DSS). The consideration of this conditional use permit is contingent upon the applicant obtaining a license from CCLD.

The proposed location of the large daycare home is in a residential zone district. 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 proposed large family day care home would be located in an existing single-family neighborhood. The residence is located on the east side of Madera Avenue between Vineland and Goldenrod Avenue. The applicant has an approximately 1,876 square-foot, 3-bedroom home with an attached two-car garage (see Attachment 'A'). The front and rear yard is landscaped with lawn, shrubs and trees.

Figure 1 shows the closest Large Family Daycare which is more than 1,000 feet away from the proposed LFDC.



**GENERAL INFORMATION:**

Owners: Guadalupe Avila-Segovia  
Site Location: 14088 W. 'B' Street between VinelandGoldenrod  
APN(s): 023-600-34s  
Lot Size: 7,732 square feet  
Plan Land Use Designation: Medium Density Residential  
Zoning District: R-1 (Single Family Residential)  
Surrounding Uses & Zoning:

Location	Existing Land Uses	General Plan Designation	Zone District
North	Residential	SF Residential	R-1
South	Residential	SF Residential	R-1
East	Residential	SF Residential	R-1
West	Residential	SF Residential	R-1

**ANALYSIS:**

The applicant is requesting a minor conditional use permit to expand an existing small family day care home to a large family day care home. The applicant is currently licensed by the state for up to eight (8) children at the residence. The applicant would like to care for the maximum of fourteen (14) children to accommodate seasonal child care needs.

The City of Kerman requires a conditional use permit for a large family day care home within the single-family residential district. In consideration of the conditional use permit, the residence must meet the development standards of the zone district and be in compliance with the building codes. 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 evaluate the potential impacts of this use and place reasonable restrictions on the operation of large family child care programs in four areas:

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

**Operations**

The applicant currently operates a small day care for maximum of eight (8) children. Maximum allowed two (2) infants, one (1) child in Kindergarten or Elementary school and one (1) child at least age 6. The applicant has applied for a large day care to add up to six children for a total of fourteen. The applicant currently cares for Seven (7) children enrolled in the program. She has one (1) infant child of her own. The operation of the large family day care 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, reducing the possibility of stacked cars or numerous vehicles at the site.

The applicant currently does not have employees for the small day care. However, the applicant intends to hire one assistant in order to satisfy the student/teacher ratio of one teacher for every twelve student (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, November 19, 2010. The living room, dining room and kitchen areas have all been dedicated to the operation of the business. There were five children present. The residence was clean and properly maintained. From the street there was no indication that the residence was 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 has been used as a small family day care home consisting of up to a maximum of 8 children since July 26, 2012. Staff believes that it is unlikely that the addition of six more children would cause an undue increase in noise. 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 complaints have been reported to staff from the residence in connection with the child care.

#### 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 two (2) parking spaces in the garage and two (2) parking spaces in the driveway for a total of 4 on-site parking spaces. In addition, there is sufficient on-street parking on either side of 'B' Street. Therefore, adequate parking is available for the future employee.

#### Traffic

The proposed large family day care home is located on the north side of 'B' Street between Vineland and Goldenrod Avenue. B Street 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 off between 6:30 and 7:00 a.m. and during pick-up between 5:30 and 6:30 p.m.

#### 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. As shown in Figure 1 above, the proposed large family day care home is the only one on the east side of Kerman, the closest are on the other side of town. Thus, the proposed large family day care is sufficiently spaced consistent with the zoning ordinance.

#### Building Inspection

A building safety and maintenance inspection was conducted by the City Building Official. There was no health and safety or code violations noted during the inspection. In addition, 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 is required for Conditional Use Permit applications. A public hearing notice was published in the Kerman News and notices were mailed to property owners within three hundred feet of the property pursuant to Chapter 17.10 of the Zoning Ordinance.

Staff received one call from a property owner within the neighborhood. The property owner just called to ask about the notice received; there was no objection to the permitting of a large family day care at the address. No other calls or inquiries were received by staff.

**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 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 residentially zoned and occupied properties. Furthermore, the conditions that have been applied to the proposed use permit will insure that the public's health, safety and welfare are protected.

**ATTACHMENTS:**

- A. State of California DSS Small Day Care License
- B. Floor Plan of Residence
- C. Photographs of Residence
- D. Resolution No. 14-01, approving CUP No. 14-01, subject to conditions





### Attachment 'C' Photographs of Residence



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**Attachment ‘D’**

**RESOLUTION NO. 14-01**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF KERMAN, STATE OF CALIFORNIA, APPROVING  
CONDITIONAL USE PERMIT NO. 14-01 (Avila-Segovia Large Family Day Care Home)**

**WHEREAS**, at a regular meeting of the Planning Commission of the City of Kerman (the “Planning Commission”) duly called and held on February 24, 2014, at 6:30p.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 14-01 for the operation of a large family day care home located at 14088 W. ‘B’ Street; and

**WHEREAS**, the project and proposed use will be consistent with the 2027 Kerman General Plan land use designation of medium density designation 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 14-01.

**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 14-01, 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 for 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. 14-01 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 14-01, 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 site 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 that the use has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have 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. Providers approved for a large day care shall obtain a city business license for the operation of a large family day care home from the finance department within five days of conditional approval by the planning commission.
13. 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
14. 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 to appear as a commercial child care center.
15. No structural changes may be proposed that will alter the character of the building as a residence.
16. Signs for the day care home must comply with Chapter 17.76, Signs, for signs in residential uses.
17. An applicant for a large family day care 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

18. Parking. One parking space 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.
19. 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 (if access is from a local street) 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.
20. 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.
21. 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

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day care home or within five hundred feet of any other child day care center licensed to care for fourteen or more children.

22. Outdoor Play Area. Play equipment must not be located within the required front yard or side yard setback area of the property so as to appear as 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.

23. 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 use for a large family day care home.

Passed and adopted at a regular meeting of the Kerman Planning Commission held on February 24, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

\_\_\_\_\_  
Chairman, Robert Epperson

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



## PLANNING & DEVELOPMENT SERVICES

850 S. Madera Avenue

Kerman, CA 93630

Phone: (559) 846-9387

Fax: (559) 846-6199

[lpatlan@cityofkerman.org](mailto:lpatlan@cityofkerman.org)

# MEMORANDUM

TO: Kerman Planning Commission  
FROM: Luis Patlan, City Manager/Director of Planning & Development  
DATE: March 25, 2013  
SUBJECT: Update on City Projects

Below is a brief summary of projects.

### Recently Completed Projects

1. Taco Bell – Project complete and open for business.

### Proposed Projects

1. **Panda Express** – Building plans are in plan check for a 8,125 sq. ft. commercial building on outlot 1 in front of Walmart that will be anchored by Panda Express. The developer expects to begin construction in early spring. Other tenants unknown at this time.
2. **Mid Valley Disposal Expansion** – Phase I is in design. MVD expects to go about to bid in March and plans on construction to begin this summer. Staff has been communicating with MVD's architect and engineer about plan check submittal requirements.
3. **Medical Building** – Staff conducted a preliminary review of a proposal 10,000 sq. ft. medical building on a lot in the Kerman Crossing Neighborhood Shopping Center occupied by CVS and AutoZone.
4. **Tract 5832** – Staff has completed plan check of all improvement and landscape plans for the final map for the 106 lot subdivision located on the south side of Stanislaus just west of the Goldenrod Elementary School. The developer does not have a schedule on when they plan on proceeding with the project. Much depends on the housing market, which has been improving.

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Luis Patlan  
Director

Chris Kufis  
Acting Building Official

Olivia Pimentel  
Dept. Secretary/Planning Technician

5. **Jensen/Madera Roundabout** – According to Caltrans, the contract for the roundabout was awarded to RSB Group, Inc. from Lake Forrest, California. The contract is in the process of furnishing a performance bond and a proof of insurance. Although a firm start date has not been set, Caltrans plans on scheduling a pre-construction meeting with the contractor sometime after March 1.
  
6. **Water Meter Project (Phase II)** – The City of Kerman received a \$725,000 Proposition 84 grant to complete the installation of water meters on all existing residential units. The City will provide a match of \$240,000 for a total of \$965,000. In Phase I, the City installed 1,725 water meters on all residential units build after 1992. There are 1,350 residential units that require meters. The City has until 2025 to complete meter installations.

### **Industrial Prospect**

7. **Food Processor** – Staff met with a site selector representing a major food processing company that is looking for a 40 acre parcel near wastewater treatment plant. The company plans to invest \$350 million in two phases and employ up to 400. Kerman has been short-listed along with four other communities. The next step is to discuss in greater detail water demands, volume and strength of effluent from operations to determine if Kerman is capable of serving the company. A final decision on the site is expected to be made by the end of the year.